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APPENDIX

A streamlined right-of-way engineering approach to writing descriptions is presented. Principles and guidelines are emphasized, rather than specific examples of all situations which could occur.

The writer of legal descriptions is expected to utilize his/her own professional expertise and consult with supervisors or management in unusual situations.

Types of descriptions are discussed. Emphasis is given to both the narrative part and graphic part of the description.

Chapter IV - Plats

This chapter defines the Route Survey Plats, Location Control Route Survey Plats, and Right-of-Way Parcel Plats as the primary plats needed in the Right-of-Way Engineering process.

The chapter also explains how the Indiana Administrative Code - Title 865 IAC-12 (Rule 12) requirement for a Route Survey Plat is met. Most INDOT construction projects comply with Rule 12 by using both a Location Control Route Survey Plat and a Right-of-Way Parcel Plat.

Chapter V - Conveyance Procedures and Instruments

Chapter V identifies real estate conveyancing steps as they pertain to right-of-way acquisition in Indiana and includes example forms for a wide range of acquisition needs.

Since detailed release instruments are no longer commonly used, much of the discussion concerning those instruments has been deleted. The updated conveyancing section eliminates the use of specific subjections.

Chapter V provides for the use of a limited number of standardized, preapproved instrument forms which cover most of the situations typically encountered on INDOT-administered transportation projects. These standard forms are intended to be clear and concise documents which build on information presented in Chapters III (Legal Descriptions) and IV (Plats).

A. INTRODUCTION

Several underlying objectives guided the preparation of the 1998 Edition of the Right-of-Way Engineering Manual.

- Provide broad instruction
- Provide common applications and not individual solutions
- Standardize and stream line guidelines

Also, it is presumed the user of this manual has the basic skills in specific related technical areas such as principals of surveying, highway design, and mathematics. To the extent these skills are lacking, other instructional sources must be found.

B. CHAPTER SUMMARIES

Chapter II - Right-of-Way Plans

Chapter II presents guidelines and responsibilities for preparation of various elements included in a set of right-of-way plans. Procedural guidelines are provided for right-of-way plans and individual plan sheets. Route survey plats are discussed. The parcel numbering system is streamlined and more simply explained. Miscellaneous topics beyond "traditional" right-of-way engineering which deal with life estates, second takings, inverse condemnation, and special interests are included.

The Design Division provides design plan sheets to which right of way information is added to create right of way plans. The Right-of-Way Manual does not alter or supersede requirements set forth in the Design Division Manual regarding Right-of-Way Plans.

Chapter III - Legal Descriptions

This chapter recognizes that the Right-of-Way Engineering Section is responsible for preparation of legal descriptions but is not responsible for fieldwork.

I. INTRODUCTION

Appendix

Appendix A is a Glossary which includes definitions of the most important terms and expressions used in the Right-of-Way Engineering Manual.

a. Right-of-Way for Parallel Facilities

Temporary or permanent easements may be required on existing railroad right-of-way for highway projects adjacent to an operating railroad. In this instance, the Right-of-Way Engineering Section follows procedures similar to those used for other parcels (although the railroad easement may be given higher priority).

9. Right-of-Way from Private Property abutting Railroads

Where a railroad crosses private property on an easement, any taking from the owner of the private property is described as if the railroad owns its right-of-way easement in fee. This holds even where the private property owner's deed description embraces the area of the railroad right-of-way without exception or subjection. In such cases, the description of the fee taking from the private land owner does not include the railroad.

If the private property owner's deed mentions an encumbrance (fee or easement) for a railroad right-of-way, that area encumbered is deducted from the owner's total area. No deduction, however, is made for a privately owned spur track for the owner of the spur track.

10. Right-of-Way Acquired for Railroads

Right-of-way acquired in the name of the State of Indiana which is needed for railroad right-of-way as a result of highway requirements is initially purchased by warranty deed and then transferred to the railroad company by quitclaim deed.

Original	Right-of-Way Parcel Plat (Exhibit B)
Original	L-10s
Original	Area Computation Sheet(s)
Original	Engineering Documentation Sheet
Original	COGO Computation Sheets
Original	Memos

6. Computer-Aided Design and Drafting

Computer-aided Design and Drafting (CADD) is an encouraged method of preparing construction and right-of-way plans for the Indiana Department of Transportation. When information is to be exchanged or a submission is to be made in a CADD format, such a submission shall conform to INDOT requirements. CADD-generated plans, plats, and maps shall conform to INDOT specifications for sheet size, line weight and style, drafting conventions, and plan format.

7. Railroad Right-of-Way-Nonoperating

During project plan development, when it is apparent that nonoperating railroad property will be affected, right-of-way acquisition of railroad parcels shall be expedited because acquisition of railroad property is a time-consuming process. Nonoperating railroad property such as stations and grounds or railroad-owned commercial/industrial property is treated the same as any other like property.

8. Railroad Right-of Way-Operating

Right-of-Way taking in fee from an operating railroad is to be avoided. Takings from operating railroads are procured by the Division of Design's Railroad Section through use of appropriate agreement or easement. Railroad operation and maintenance needs must be considered along with the highway requirements.

shall be followed by its basic number in parentheses.

5. Parcel Envelopes

An important responsibility of the Engineering Section is maintenance of an accurate record of parcel and project-specific documents prepared in connection with right-of-way plan development. This record is used by the Engineering Section as a reference and also by others, such as the Appraisal Section, whose work is dependent upon Engineering Section decisions and actions.

Two parcel envelopes are maintained. The "White Envelope," also referred to as the "Large Envelope," is assembled to provide the Appraisal Section with documentation of individual parcel details that contribute to the acquisition. The other envelope, known as the "Engineering Envelope" or "Small Envelope," becomes the formal record of documents and data prepared for each individual parcel, by the Engineering Section.

Both types of parcel envelopes are always maintained on an individual parcel basis. Other files, such as the letter file and the miscellaneous file, are maintained on a project basis.

The White (Large) Envelope contains:

- Original Transfer Documents - deed
- One copy of Transfer Documents - deed
- Two copies of the Written Description (Exhibit A)
- Two Copies of the Right-of-Way Parcel Plat (Exhibit B)
- Title and Encumbrance Report
- Copy of L-10(s)
- Copy of memorandums for Land Acquisition Appraisers or Buyers

The Engineering (Small) Envelope contains:

- Copy Instrument (Deed) (to be marked "File")
- Copy Description (Exhibit A)

o. Excess Land

The parcel number is shown on both the adjacent right-of-way parcel and on the excess land parcel itself. The words "EXCESS LAND" are placed under the excess land parcel number circle. Temporary rights-of-way situated on excess land are shown on the plans to indicate construction easement limits and to show that those easements would have been necessary in the absence of the excess land purchases. No parcel numbers are assigned to those easements.

p. Environmental Mitigation Land

This note refers to land being acquired for environmental mitigation purposes such as creation or establishment of wetlands, hardwood forests, or prairie grasslands. The note "ENVIRONMENTAL MITIGATION LAND (WETLANDS) - NOT FOR SALE" is placed under the parcel number circle for the Environmental Mitigation Land to be acquired.

q. Right-of-Way Lines

Right-of-way lines, including those for limitation of access and temporary rights-of-way, shall be identified on all plan sheets.

r. Precision of Dimensions

No more than two decimal places for English units or three decimal places for metric units shall be used for lineal dimensions, including stationing. Angular dimensions, including bearings, determined to fractions of seconds shall be shown only to the nearest second.

s. Additional Taking After Change of Ownership

If, after a conveyance made by an owner to the state has been recorded, there should be a need for another taking from the same property on the same project, but ownership of the property has changed, the plans shall show the names of both owners and old and new parcel numbers. To relate each ownership name with its corresponding parcel number, each name on plan sheets

- **Avoiding Repetition of Notes.** Excessive repetition of an identifying note for different parcels on the same sheet causes clutter. Such notes shall be shown only once or twice on any sheet and then multiple parcel numbers and arrows shall be attached to the note. Examples follow below.

	(PARCEL 5J)
	(PARCEL 6A)
MINERAL RIGHTS IN FAVOR OF J. S. SMITH	(PARCEL 6B)
	(PARCEL 8E)
	(PARCEL 9A)

20-FOOT DRIVEWAY EASEMENT IN FAVOR OF ROBERT JONES

(PARCEL 30B)(PARCEL 3AB) (PARCEL 33C)

l. Revisions

Correction of errors/revisions are marked by the addition of revision notes and dates to the plan sheets (station numbers, description of what was changed, dates of revisions, and names of persons making the changes).

m. County, Section, Township, Range

All plan sheets showing right-of-way details shall indicate the name of the county in which the land is situated. Those plan sheets showing rights-of-way to be described by reference to the U.S. rectangular system of surveys shall give the section, township, and range. The name of the civil township need not be shown.

n. Right-of-Way Points

On Right-of-Way Plan Sheets, every angle point in the new right-of-way line and every point of curvature and point of tangency in the new right-of-way line shall be located by station and offset.

Dashed lines and the words "MORTGAGE LINE" are used to label mortgage lines. These words, with an arrow, are placed on the side of the line which is encumbered by the mortgage. An ownership "hook" is placed across the mortgage line to indicate identical fee ownership on each side. The mortgage line is a dashed line which divides a property into parts; property boundaries themselves are never indicated as mortgage lines.

j. Special Interests

Special interests and other special takings are shown on the right-of-way plans, if they are capable of being plotted. An identifying note is placed on the plans outside the area(s) to which it applies and an arrow is drawn from each note to a point inside the appropriate area.

k. Special Interest Notes

- **Easements.** All easements appearing in the chain of title, whether situated within the area of the taking or on the remainder or both, shall be plotted by a dashed line (with ownership hook). Blanket easements do not require the dashed line.
- **Mineral Rights Owned by Other than the Fee Owner.** These are plotted only if they affect the taking, in which case a dashed line is used to outline the area if it differs from the boundaries of the property. Note: MINERAL RIGHTS IN FAVOR OF _____ (PARCEL _____).
- **Leases.** Leases are outlined with a dashed line (with ownership hook) and identified by the note, LEASE IN FAVOR OF _____ (PARCEL _____).
- **Land Contracts.** Land Contracts (formerly known as "Contracts of Sale") are shown in the plans by the note, SOLD ON LAND CONTRACT TO _____ (PARCEL _____).

f. Parcels Severed by Project Limits

Where a parcel is situated partially within one right-of-way project and partially within a second right-of-way project, the Land Acquisition Division will cross reference the parcel numbers to each other on the plans by a note.

For example, "PARCEL 1 ON PROJECT F-661(3) AND PARCEL 59 ON PROJECT F-661(2) COVER THE SAME LAND, WITH ACQUISITION ENTIRELY UNDER PROJECT F-661(3)."

g. Street and Highway Names

Names and/or numbers of all public ways shall be indicated.

h. Subdivisions

Subdivisions shall be plotted with the following information shown:

- official name
- boundaries and numbers of all lots for owners from whom lands and/or rights will be acquired
- lot dimensions
- any other streets and lots which may be directly affected by the project (e.g., as to access to the public highway system)

Circles are not drawn around lot or block numbers.

i. Mortgage Line

- Title Sheet and Right-of-Way Index
- Route Survey Plats
- Plat No. 1
- Right-of-Way Plan Sheets and Detail Sheets
- Approach table

b. Right-of-Way Project Number and Code Number

The Right-of-Way Project Number (distinguished from project numbers assigned to preliminary engineering, construction, or utility adjustment) and Land Acquisition Code Number is placed on each sheet.

c. Names of Current Landowners

Names of current landowners from whom right-of-way will be acquired, along with all divisions of properties due to changes of ownership, contracts of sale, partial coverage of land units by mortgages, and others, are shown.

d. Parcel Numbers

Parcel numbers shall be placed on each sheet of the right-of-way plans which show the parcels. Each parcel number shall be placed in a circle located entirely within the boundaries of the taking whenever practicable; otherwise, the parcel number circle shall be located entirely outside the taking. When a parcel number circle is placed outside a taking, an arrow is drawn from the circle to a point inside the taking. Parcel numbers and circles shall be made bold and conspicuous.

e. Property Delineation

Right-of-Way of all public ways and property lines of properties from which there are takings shall be completely delineated on plan sheets using a bold dashed line.

HA/SM or AC/SF - Two spaces for the abbreviation for the unit of measurement of the area to be acquired.

RIGHTS ACQUIRED - Up to 10 spaces (left justified) for definition of the type of right to be acquired from the list provided on the L-10 Form.

BUILDING - One space for an * if any building improvement must be removed from a parcel to clear the proposed right-of-way.

ELIMINATED DATE - Eight spaces for date that a parcel has been eliminated from the taking.

RES. AREA AND HA/SM or AC/SF - A group of blocks of eight spaces (floating decimal point takes one space) for areas of residue areas which remain from partial takings; an additional block of two spaces is provided for an abbreviation for the unit of measurement for the respective residue area.

b. Secondary Sheets

Secondary sheets are used for subsequent takings numbers on the property. Secondary sheets do not include Grantor's Names, Total Area, Right-of-Way Existing, and several other items found on the Master Sheet.

4. Completing Right-of-Way Plans

Subsections 4a through 4t present information contained in a final set of right-of-way plans.

a. Sheet Numbers

Individual sheets in a set of Right-of-Way Plans are numbered consecutively as a series separate from construction plans. A typical set of right-of-way plans includes:

HA/SM or AC/SF - Two spaces for the abbreviation for the unit of measurement for Total Area and Right-of-Way Existing (hectares/square meters or acres/square feet).

INSTR - Two spaces for the Type of Instrument required from a list provided on the L-10 form.

LT/RT - Three spaces (left justified) for indicating location of parcels on both sides of left or right or both of centerline, per a list provided on the L-10 form.

ENVIRONMENTAL COMMENTS - Up to 50 spaces (left justified) for comments on environmental conditions/hazardous materials on the site; this space is used infrequently.

PARCEL COMMENTS - Up to 50 spaces (left justified) for any additional comments about the parcel such as potential mitigation areas. This space is used infrequently.

CENTERLINE - Up to 10 spaces (left justified) for designation of the centerline from which the parcel is referenced.

FROM STA. / TO STA. - Up to eight spaces (fifth space to be a + symbol) each for recording stations related to the centerline identified in the previous block; stations indicate the beginning and ending limits of the parcels.

PLAN SHEETS - Up to 10 spaces (left justified) with sheet numbers separated by a + symbol) for the Right-of-Way Plan Sheet Number(s) which show the parcel involved.

NATURE - Two spaces for designation of nature of title to be acquired per the list provided on the L-10 Form.

LAND ACQUIRED - Up to eleven spaces (floating decimal point takes one space) for the area to be acquired, excluding existing public ways.

- total area of the property
- area of the property already occupied by public ways (existing right-of-way)
- area of each residue of a partial taking from the land unit
- whether any building located on the property must be removed to clear the proposed right-of-way.

Master Sheet Checklist

L/A CODE (Land Acquisition Code) - Up to five spaces (right justified) for the Land Acquisition Division code number found on the Title Sheet of the Right-of-Way Plans.

PARCEL NUMBER - The first three spaces (right justified) are for the Basic Parcel Number; the next two spaces (***) are for a letter code, if applicable.

GRANTOR - Up to 40 spaces (left justified) for the name of the owner from whom the parcel is to be acquired.

BRIDGE - One space for an * if any right-of-way or property rights are required from a property lying wholly or partially within the limits of a bridge construction project.

TOTAL AREA - Up to eleven spaces (floating decimal point takes one space) for the sum of the areas of all the owner's land units of the property affected by the project before the taking.

RIGHT-OF-WAY EXISTING - Up to eleven spaces (floating decimal point takes one space) for the area of all the owner's real estate occupied by existing public highways, streets, and alleys.

project.

k. Parcel Numbering Excess Land

Excess land is acquired under the parcel number of the adjoining right-of-way taking (if any). If it adjoins two or more fee takings, it will take the "lowest" number. On the plans the parcel number is shown on both the right-of-way parcel and on the excess land parcel. The words "EXCESS LAND" are placed under the excess land parcel number circle. Excess land parcels not contiguous to right-of-way takings require their own number-suffix combinations.

l. Inverse Condemnation

The Attorney General's Office will notify the Land Acquisition Division's Records Unit of inverse condemnation claims on projects. Parcel numbers for inverse condemnations will use the letter "Y" as a suffix (e.g., 1YA, 1YB, 1YC...). Letter suffixes may be used as needed according to procedures described in previous sections.

3. Parcel Listing

Parcel listing data is provided by the Land Acquisition Division, Right-of-Way Engineering Section. Parcel listing code sheets, Form L-10s, are used to code parcel data into the Land Acquisition Division database. L-10 Forms include a Master Sheet and a Secondary Sheet.

When coding areas on L-10 forms, three decimal places to the right of the decimal point should be used for acres; four decimal places to the right of the decimal point should be used for hectares; one decimal place should be used for square meters. Square feet shall be listed to the nearest whole unit.

a. Master Sheets

Master Sheets record data for the first taking numbered from a property, along with the following information about the property itself:

the Attorney General's office should determine whether the case is to be amended or a new basic number and parcel envelope are to be prepared. Exceptions include the extension of time for a temporary easement, a quit claim deed to cover acquisition of improvements not considered in the original appraisal, or a corrective warranty deed to meet a later change in plans. In these cases, a letter suffix is added to the original basic number. If a corrective warranty deed is needed to correct a previous error only, the original parcel number is used.

i. Additional Taking After Change of Ownership

If, after a conveyance made by an owner to the State has been recorded, there is need for another taking from the same property on the same project, but ownership of the property has changed, a new basic number is assigned for the additional taking. Where there are multiple additional takings from the new owner, letter suffixes are assigned to the new basic number.

j. Parcels Divided or Combined

If, after parcels in a project have been numbered, it is necessary to divide a parcel, the original basic number together with a letter suffix may be used provided ownership of the land has not become divided. If ownership has become divided, the new parcel created by the land division will take the next basic number after the last one assigned on the project.

When parcels are combined, one or the other of their parcel numbers is eliminated (usually that which is highest numerically). Eliminated parcel numbers can never be reused for other parcels on the same project.

When there are several takings from an owner and the parcel envelope is returned to the Engineering Section because of a sell-off or plan revision which alters, deletes, or combines some of the takings, those takings which are unaffected shall retain their original parcel numbers. This may result in an irregular geographical sequence of number-suffix combinations.

Once a parcel number has been assigned to a specific taking and it later develops that the taking is no longer required, the parcel number is eliminated and cannot be used again on the same

basic number), starting with the taking nearest the project beginning and proceeding toward the project end

- Temporary right-of-way takings, if any, from left to right.

Takings in Subsequent Land Units - Beginning with the next letter after the last one used in the first land unit, letter suffixes are added to the basic number in sequence for takings in the owner's second land unit. Similarly, suffixes are assigned to takings in the owner's third land unit, if any.

Access Rights - Where there is a taking of only access rights from one ownership at two or more places, letter suffixes are assigned to the second and subsequent takings. If access rights are taken together with temporary right-of-way (but no land in fee), the letter suffix used for the temporary is the next available after suffixes (if any) have been assigned for access rights.

Effect of County Lines - Any taking which is crossed by a county line is thereby divided so as to be situated in two adjoining land units and therefore also is divided into two separate parcels. The separate parcels require separate legal descriptions, separate access control clauses (on limited access facilities), separate acquisition instruments, and different basic numbers.

Effect of Mortgages - If land to be acquired from an owner is encumbered in part by a mortgage, the part(s) affected and the remainder of the take each require separate legal descriptions and parcel number suffixes, even if the parts are contiguous and have unity of title. This does not apply to total takings, temporary right-of-way, or taking of access rights only.

h. Second Takings from Original Owner

If there is need for another taking from the same owner after the first conveyance has been recorded, generally a new basic number is assigned. If the first acquisition is in condemnation,

then assigned to the vendee's interest in any second, third, and subsequent takings from the vendor. A single number-suffix combination is not sufficient to clear a land contract which encumbers several separate takings from the same fee owning vendor.

e. Life Estates

Where a life estate encumbers only a portion of a property, the encumbered and unencumbered parts are treated as different ownerships and require different basic parcel numbers.

f. Letter Suffixes

Whenever there are two or more takings from the same owner, the second, third, fourth, and subsequent takings are identified individually by addition of letters A, B, C, etc., as suffixes to the basic number. Thus, numbers 3, 3A, 3B, 3C identify four takings to be acquired from the same owner. Neither hyphens nor spaces are used within parcel numbers. The letters I and O are not used as suffixes to avoid confusion with numerals 1 and 0, respectively. Letters S, X, and Y are also not used as suffixes because they are reserved for specific uses by the Land Acquisition Division. Exhausting the supply of single-letter suffixes leads to use of multiple letter suffixes: . . . after Z: AA, AB, AC, . . . , AW, AZ, BA, BB, BC, . . . , BW, BZ, CA, CB, CC, and so forth.

g. Rules for Assigning Letter Suffixes

Differentiation of Takings - Different letter suffixes must be assigned to any two noncontiguous takings under one ownership. Contiguous takings under one ownership can only be combined under the same suffix when the nature of title or interest to be acquired in each is the same.

Takings in the First Land Unit - In an owner's first land unit (the one nearest to project beginning), letter suffixes are assigned in the following order:

- Permanent right-of-way takings (except the first which is identified only by the

c. Severance by Project Limits

When a parcel lies partly within one current right-of-way project and partly within a second current right-of-way project, the parcel is given a basic number under both projects even though it is acquired entirely under the project having the earliest scheduled time for completion of land acquisition.

For example, a parcel numbered "28" at the end of the first project will be numbered "1" at the beginning of the second project. If the first project had terminated within the bounds of two parcels (such as numbers "27" and "28"), then those parcels will be numbered "1" and "2," respectively, on the second project. If parcels "27" and "28" are to be acquired under the first project, the first parcel to be secured on the second project is parcel "3."

Parcel numbers of adjoining projects are thus overlapped for cross-reference purposes to avoid inadvertently awarding construction contracts before all necessary rights-of-way at the project termini are secured. Only one legal description and one conveyance instrument are to be prepared due to severance by project limits.

d. Land Contracts

A Land Contract (also known as a "Contract Sale of Real Estate") is a method of owner financing whereby the fee owner (land contract "vendor") retains title to real property while the purchaser (land contract "vendee") makes a specified number of payments to the vendor. When payment has been made in full, the vendor conveys fee title to the vendee.

If land to be acquired for right-of-way is encumbered in part by a land contract, each part is treated as a separate ownership, each having its own basic parcel number, legal description, and conveyance instrument.

If land to be acquired is entirely encumbered by a land contract, the basic parcel number (and letter suffixes, if any) is assigned as usual. Then the next available letter suffix is assigned to the vendee for the release by quit claim deed of the vendee's interest. Separate letter suffixes are

determination must be made based on the "Unity of Title" theory-is fee title to the contiguous property areas unequivocally vested in one distinct ownership?

This question is answered by a thorough study of available title documents. If the identical person(s) owns each of the contiguous property areas, the areas are treated as having one ownership, and one basic number is used for acquisition of right-of-way. When there is no identical ownership, the areas are treated as separate ownerships and separate basic parcel numbers are used.

For example, if two contiguous areas are presently both owned by "John Doe and Mary Doe, husband and wife," the two areas are treated as one acquisition even though each area may have a different chain of title. Similarly, if one tract is owned by "John Doe and Mary Doe, husband and wife," and the other is owned only by "Mary Doe," they are treated as separate ownerships.

Unity of Title takes precedence over Unity of Use. In the second example above, even though the jointly-owned tract is used for the identical purpose of, and in conjunction with, the individually-owned tract (such as for one farm operation or one surface parking lot), the two must be acquired by separate conveyance instruments since legal title is different for each tract.

There are situations where Unity of Title is not readily apparent, but does in fact exist. For example, Tract A is owned by "A.B. Baker" and the contiguous Tract B is titled in the name of "Alfred Baker." Both tracts are part of the same farm facility. If it can be determined that "A.B. Baker" and "Alfred Baker" are the same person, the two tracts are treated as one ownership. The conveyance instrument would refer to the Grantor as "A. B. Baker, also known as Alfred Baker."

As another example, Tract C is owned by "Public Service Indiana" (PSI) and contiguous Tract D is owned by "Cinergy, Inc." If it can be established that Cinergy is PSI's corporate successor, the two tracts are treated as one and are purchased under one conveyance instrument.

2. Parcel Identification and Numbering

A "parcel" consists of any tract of land (or contiguous tracts of land) under a common ownership, in which the State proposes to acquire any one of several types of interest. For the acquisition of limited access rights, a "parcel" may simply be a line along which an abutting owner's access is to be extinguished.

a. Parcel Numbering

Parcel numbers may consist of any number from 1 to 999 or any such number followed by a letter(s) suffix.

Example: Parcel 4D
 the basic number is "4"
 the letter suffix is "D"

The approved format is "Parcel 4D" not Parcel No. 4D.

All assigned parcel numbers are shown on the plan sheets.

A basic number (e.g., 1, 2, 3, 4) is assigned to each ownership of land from which an acquisition is planned. All land units under one ownership from which a taking is required are given the same basic number.

Parcels are usually numbered consecutively from beginning to end of a project. If, after a project has been numbered, it becomes necessary to divide an original parcel into two or more parcels or to combine two or more parcels, revisions are made without renumbering the entire project.

b. Parcel Grouping (Unity of Title)

A determination must be made as to if multiple contiguous property areas should be acquired for right-of-way under one basic number or if more than one basic number is required. The

- grants
- deeds
- eminent domain proceedings
- abandonments
- licenses and permits.

In addition, other public and private records should be examined where appropriate.

After background research into previously acquired right-of-way is completed, a written documentation of findings is prepared and filed with each parcel or project, as appropriate.

Right-of-way grants on file in the Land Acquisition Division's Records Unit do not necessarily provide sufficient constructive notice to subsequent purchasers of lands which are subject to highway easements or rights-of-way. If valid documentation (recorded grant, deed or other dedication of existing right-of-way) cannot be found, field investigations must be made to look for the following items which tend to inform or give actual notice of existence of the State's existing easement or right-of-way interests:

- physical conditions
- right-of-way markers
- drainage facilities
- fences
- utility poles
- other objects on the ground (as may be shown on the plans).

If such physical conditions or objects are present, they may be able to be construed as actual notice to a subsequent purchaser of rights which the State may have in the property. Questionable cases regarding existing INDOT right-of-way interests should be immediately communicated to the Engineering Section of the Land Acquisition Division for administrative review and decision.

- Ensure that construction limits are not outside of the right-of-way
- Use line styles as shown in Chapters 14 and 15 of INDOT's Design Manual
- Ensure that the right-of-way line and property owners on the Plat No. 1 match those shown on Right-of-Way Plan Sheets
- Include an equation and enough reference points for any old survey lines that original right-of-way was acquired from so that they can be reestablished by the Land Acquisition Division
- For all buildings within 25 m of the new right-of-way line, show the station and offset of the nearest corner
- Include all subdivision names, lot lines, and numbers.

E. PROCEDURES

1. Existing Right-of-Way

Where the project intersects, or is adjacent to, existing highway right-of-way, relevant right-of-way records on file in the Land Acquisition Division are examined. Official right-of-way acquisitions and abandonments for the areas involved are checked; existing right-of-way data is plotted or transferred to the current plans. This process determines whether the acquisition and abandonment documents agree with existing recognized right-of-way limits and ensures that no gaps or overlaps will be created between the new right-of-way description and previously acquired right-of-way.

Staff of the Land Acquisition's Divisions Engineering Section and their consultants who prepare right-of-way descriptions and related work for INDOT must thoroughly examine the following records of the Division of Land Acquisition's Records Unit:

- Include civil and congressional township information
- Show all apparent property lines
- Note current owner of record
- Show apparent existing right-of-way
- Show property corner monumentation including iron pins, etc.
- Include proposed right-of-way, limitation of access, and purpose and location of temporary right-of-way
- Note the bearing on centerline
- Match right-of-way on abutting sheets and abutting projects
- Include right-of-way project number and code number on each sheet
- Furnish completed driveway approach table
- Do not furnish cross sections
- Include the note "All right-of-way described from Line ____, except as noted" on all Right-of-Way Plan Sheets; if more than one line is shown, note which line is to be the line of reference
- Label index as "Right-of-Way Index"
- Include title sheet signature block, equivalent to that on the CADD INDOT Right-of-Way Plan Title Sheet frame

- a. Topography
- b. Station and offset distances
- c. Ties to old survey lines for original right-of-way (if ties are not shown on Location Control Route Survey Plat)
- d. Section lines and section corners
- e. County and township names
- f. Construction limits
- g. All property lines
- h. Existing Right-of-Way. If the Land Acquisition Division's Records Unit is unable to provide evidence of existing right-of-way, then the Engineering Section will prescribe apparent existing right-of-way lines to be used.
- i. Right of Way to be Acquired
- j. Buildings and other improvements
- k. Miscellaneous right-of-way information (including the relationship between centerlines where there is more than one centerline; limited access lines; and right-of-way through platted areas).

5. Approach Table Sheet

This table shows driveway and public road approaches including location (station), type of approach, width, length, radii, grade, type of materials (but not quantities), and distance beyond the right-of-way line.

6. Preliminary Right-of-Way Plan Checklist

The following is a summary of required information for a complete set of preliminary right-of-way plans.

- Note section line and section corner locations

- Show and label all temporary right-of-way. The purpose for temporary right-of-way need not be specified.
- Show line designation of project centerline and all S-lines. Show centerlines from which new right-of-way is described.
- Note the station and location of project beginning and end, with arrows to each.
- Include and label all station equations.
- Show all applicable subdivision names and lot numbers.
- Include the north arrow.
- Include the scale used on drawings.
- Show and label existing roads.
- Hatch landlocked residues.
- Place hexagons around numbers used for property owner legend or index.

The following items are added to the Plat No. 1 during the right-of-way engineering phase.

- Show and label property owner residues.
- Show basic parcel numbers

4. Right-of-Way Plan and Profile Sheets

Right-of-Way Plan and Profile Sheets are based upon plan and profile sheets found in the construction plan. Right-of-Way Plan and Profile Sheets should include the following information:

The Plat No. 1 should not include the area of the various properties. The Division of Land Acquisition will show and label property owner residues resulting from the acquisition as part of the right-of-way engineering process.

The scale or ratio of the Plat No. 1 should be determined for each individual project, for example:

Rural area, long projects, large properties	1:5000
Rural areas, shorter projects	1:2500
Urban areas	1:1000

All property outlines must be clearly shown. For small, compact properties or lots, it may be desirable to use a coded numbering system and list property owners and parcel numbers elsewhere on the plat.

Checklist for Plat No. 1

- Note section corners, section lines, and quarter-section lines.
- Include section corner tie-in (only in the absence of a Route Survey Plat).
- Show property owners' names and property lines, properly labeled. Include all properties impacted by the proposed construction.
- Include the name of streams, rivers, creeks and ditches, and direction of flow.
- Show civil township; section, township, and range; and county.
- Show stations in 100-m increments (metric); or note every fifth station (English).
- Show and label all right-of-way lines existing and proposed. Station and offset for right-of-way points should not be shown.

Plats is presented in Chapter IV.

a. Single Route Survey Plat

The one-step Route Survey Plat includes such items as survey line, centerline, existing and proposed right-of-way, monuments, and property lines on a single plat for the entire project. It is most typically used on smaller projects where the acquisition process is not expected to change the area or nature of the takings.

b. Two-Step Route Survey Plat Preparation (Typical INDOT Projects)

- Location Control Route Survey Plat - This is a field surveyor's plat showing the centerline of the proposed improvement referenced to its geographic and boundary-related location. It does not show proposed right-of-way.
- Right-of-Way Parcel Plat - This plat is developed by the Engineering Section or a consultant, in conjunction with the Location Control Route Survey. An individual Right-of-Way Parcel Plat is prepared for each parcel from which a permanent taking is required.

When the two-step process is followed, only the Location Control Route Survey Plat is included in the Right-of-Way Plans. The Right-of-Way Parcel Plat is recorded with the conveyance instrument.

3. Plat No. 1

The Plat No. 1 is a plan showing project centerline and the outline of all properties affected by or adjacent to the proposed construction. The purpose of the Plat No. 1 is to present an overall picture of the right-of-way requirements and to depict the relationship of the proposed right-of-way to each property ownership. It also shows the extent of ownership in each property, the relationship of properties to one another, and the effects of the project on access.

- d. Project description (project type; location; civil township; county section, township, and range)
- e. Route number
- f. County name
- g. Project length (Metric to three decimal places; English units to two decimal places)
- h. Project reference numbers
 - right-of-way project number
 - designation number
 - Land Acquisition code number (not required for preliminary right-of-way plans; must be shown on final right-of-way plans)
- i. Station equations
- j. For projects in more than one county, station at county line and length of project in each county
- k. List of utilities
- l. Legend
- m. Notes that could affect right-of-way acquisition
- n. Revision table
- o. Signature block for
 - Chief, Division of Land Acquisition
 - Manager, Right-of-Way Engineering Section

2. Route Survey Plats

A complete set of right-of-way plans includes a Route Survey Plat as mandated by 865 IAC 12 ("Rule 12"). The Route Survey Plat is prepared in one of two ways: either as a two-step Route Survey Plat or as a single Route Survey Plat.

The typical project follows the two-step plat process. The single Route Survey Plat is used on small projects with limited right-of-way needs and few parcels. A more detailed discussion of Route Survey

C. PLAN PREPARATION RESPONSIBILITY

Preliminary right-of-way plans are prepared during the design phase of construction plan development by the Design Division or an engineering consultant. Consulting engineers and the Design Division follow the same procedures in preparing right-of-way plans.

The Land Acquisition Division is responsible for review of the right-of-way plan as it is being developed. Right-of-way plans are considered to be preliminary until such time as they are submitted to and approved by the Land Acquisition Division. The Land Acquisition Division assigns parcel numbers during the right-of-way engineering phase and is consulted on matters such as right-of-way cost estimates, addition or deletion of access, and other applicable land acquisition issues. The Land Acquisition Division provides guidance for determining:

- Existing right-of-way
- Excess lands
- Existing property lines.

D. PLAN SHEETS

Initially, Right-of-way plans for a project are prepared by INDOT's Design Division or an engineering consultant. The Land Acquisition's Divisions Engineering Section then reviews preliminary right-of-way plans for compliance with the needs of the right-of-way acquisition process. The Engineering Section later completes the remaining elements of the right-of-way plans. Sheets to be included in a set of INDOT right-of-way plans are described below.

1. Title and Index Sheet

The Right-of-Way Title and Index Sheet is similar to the title sheet for construction plans and includes:

- a. Right-of-way index
- b. Location map to scale
- c. Beginning and End of project with stations

A. INTRODUCTION

Responsibility for the preparation of right-of-way plans is shared by INDOT's Design Division and Land Acquisition Division. Right-of-way plans show project alignment, centerline of survey, existing right-of-way, right-of-way to be acquired, construction limits, property lines, and both natural and built features that are essential to the land acquisition process. The right-of-way plan should provide sufficient detail to enable the Land Acquisition Division to carry out three major responsibilities:

- Prepare property descriptions for each acquisition or parcel
- Accurately appraise each proposed taking
- Negotiate with each property owner.

This chapter presents the elements and procedures involved in right-of-way plan development. Responsibilities for preparation of right-of-way plans are identified. Required elements in a complete set of right-of-way plans are described. A basic understanding of the uses of right-of-way plan information is presented.

B. GENERAL REQUIREMENTS

Right-of-way plans are developed in the same manner for all projects which require right-of-way acquisition, whether prepared by consultants or INDOT staff and regardless of the method or source of funding. All right-of-way plans prepared for INDOT approval are held to the same plan preparation standards.

Right-of-way needs are determined concurrently with roadway design. To allow the Land Acquisition Division sufficient lead time to acquire right-of-way, initial construction plan preparation should concentrate on design items affecting the right-of-way. Identifying those properties needed in their entirety (total takes) will allow for early acquisition of total take parcels.

To allow for the earliest acquisition of the remaining properties, design engineers develop a right-of-way plan for the project as soon as construction needs are determined. The right-of-way plan emphasizes existing and proposed features that affect appraisal and purchase of the right-of-way.

II. RIGHT- OF- WAY PLANS

11. Limitation of Access

Responsibility for determining the extent and location of limitation of access on a planned improvement lies with the Design Division. The Land Acquisition Division is responsible for researching existing right-of-way and limited access rights already acquired by the State of Indiana. The Appraisal and Buying Sections are specifically responsible for determining economic impacts and securing access rights from the affected property owners, respectively. Conveyance instruments to be used in securing limitation of access rights from affected property owners are presented and discussed in Chapter V.

12. Excess Land

Excess land is that part of an owner's land that has been acquired and is not needed for right-of-way purposes. The Design Division and Land Acquisition Division share responsibility for determining whether INDOT should acquire excess land. A discussion of parcel numbering for excess land is presented in Chapter II, E.2.k above.

13. Acquisition of Existing Right-of-Way

In some cases the exact interest or the exact location of the boundary of the presently existing right-of-way may be at issue. When the extent of the State's ownership or type of title to existing right-of-way is questionable, presently occupied right-of-way should be included in the legal description of the new acquisition. Discussion of how to prepare legal descriptions for acquisition of presently existing Right-of-Way is presented in Chapter III, Part E.

Parcel 11	Fee with Partial Limitation of Access
Parcel 20	Permanent Easement for the Construction and Maintenance of a Ditch
Parcel 22	Full Limitation along Access Control Line (No Area)
Parcel 23	Partial Limitation along Access Control Line (No Area)

e. **Information and Seal**

Each description prepared shall contain the name, signature, seal, and surveyor's license number of the preparing surveyor together with the date of preparation of said plat.

b. Rules for Use of the Right-of-Way Parcel Plat in Descriptions

- All permanent partial takings shall require a plat. In the metes and bounds description, right of way break points for the new (proposed) right of way shall be referenced to the plat.
- In cases where there is a total taking and the existing record description is acceptable, the plat shall reflect the existing record.
- Temporary takings require a legal description, but do not require a plat.
- Total or partial access control lines shall be clearly identified.

c. Description Headings

Each description shall have a heading to ensure the description will be used with the proper conveyance instrument. All conveyance instruments for permanent takings refer to the description as Exhibit "A" and the right-of-way parcel plat as Exhibit "B". The project, code, parcel number, type of interest and sheet number shall be a part of the heading for each separate description of a taking for a parcel. Permanent takings that include limitation of access shall be labeled accordingly. It will also be necessary to label the purpose of permanent easement and temporary takings in the description heading. The following examples may be used as a guide:

Parcel 1	Fee
Parcel 1SA	Fee (Sign interest)
Parcel 1A	Temporary Right of Way for Drive Construction
Parcel 10	Fee with Full Limitation of Access
Parcel 10A	Fee with Full Limitation of Access (Leasehold Interest)
Parcel 10B	Fee with Full Limitation of Access (Mineral Rights)

Jones Road South 17 degrees 32 minutes East 965.00 feet (bearing and distance quoted from Deed Record 288, page 40), along said eastern boundary, from the north line of said section, which point of beginning is the northwest corner of the grantor's land."

- Different Bearing Systems

Where land and/or access control to be acquired is to be described based on a bearing system different from one used previously, the new description shall apply the new system. Even when the old and new descriptions have common entry or boundary lines, differences in the bearing systems shall be accounted for. Example: "All bearings in this description which are not quoted from previous instruments are based on the bearing system for Indiana Department of Transportation Project _____."

- Record Distances

In cases where the monuments are located on the ground with reasonable certainty and they appear to be the same monuments as called for in the owner's description, then the application of survey practice would lean toward the utilization of the found monuments as the property corners. Where the monuments are not called for or uncertainty exists in whether the monuments found are the ones called for, then the judgment of the individual preparing the parcel must be exercised considering all evidence and the proper application of survey practice.

New right-of-way descriptions, which follow old boundaries, give precedence to modern measurements, and the original distances are recited in parentheses immediately thereafter. For example, "... thence South 0 degrees 15 minutes 28 seconds West 505.71 feet (503.00 feet by Deed Record 204, page 34) along the" Also, "... thence North 40 degrees 22 minutes 00 seconds East 987.63 feet (60 rods by Deed Record 119, page 571) along" In neither example has the distance between fixed corners been changed; only new and presumably more precise determination of the distances are presented for the record.

the radius of the curved right-of-way line, [5] bearing of the long chord which subtends the arc, and [6] length of the long chord.

The data for the second, fourth, and fifth blanks is calculable, and that for the third blank may be supplied by inspection. The information to be inserted in the first blank (general direction of the arc) is determined from the bearing of the long chord in conformity with the following table:

When bearing of the long chord is between	The general direction used in the arc clause will be
0 degrees to 3 degrees	Northerly or Southerly
3 degrees to 87 degrees	Northeasterly or Southeasterly or Southwesterly, or Northwesterly
87 degrees to 90 degrees	Easterly or Westerly

3. Procedures

a. **Temporary Right-of-Way**

Descriptions are written without regard to the type of title to be acquired. Thus, legal descriptions written for temporary right-of-way acquisitions shall follow the same general guidelines as legal descriptions used for permanent takings. However, a Right-of-Way Parcel Plat is not required for a temporary taking.

b. **Quoting Bearings and Distances**

Whenever possible, every partial taking having boundaries to be described for record purposes shall be made conformable with the title boundaries of the parent tract. Entries should contain parenthesized annotations citing the source or sources whence the bearings and/or distances were secured; such as, "beginning at a point on the eastern boundary of

c. **Excess Lands**

In partial takings, each parcel of excess land included in a partial taking shall be described separately from the parcels needed for highway purposes. Right-of-way takings and excess lands are not combined into one description for acquisition, except in the case of a total take.

2. **Lines**

a. **Straight Lines**

The description of every line between the successive corners of a traverse should contain:

- Direction/Bearing (to the nearest second)
- Distance (to the nearest 0.001 meter and 0.01 feet)
- "Along" calls - A call identifying the line being followed
- "To" calls - A call identifying the point or corner at which the distance measured on the given bearing is intended to terminate.

b. **Curved Lines**

All curved lines described in legal descriptions for land acquisition purposes will be simple curves. Right-of-way lines which are concentric with curved center lines will be described in metes and bounds descriptions by use of the following clause:

thence (along call if appropriate) __[1]__ __[2]__ meters(feet) along an arc to the __[3]__ having a radius of __[4]__ meters(feet) and subtended by a long chord having a bearing of __[5]__ and a length of __[6]__ meters(feet) (to call if appropriate);

The blanks shall be filled with the following information in this order: [1] general direction of the arc, [2] length of the arc, [3] direction of curvature to the left or right, [4] length of

of identifying the lands. A description may be reused, however general and indefinite, if it is sufficient upon its face to cause a reasonably prudent person to investigate, and if by evidence or investigation it can be made practically certain what property is intended to be covered. That defines the very limit of acceptability. Descriptions having obvious errors or omissions of vital elements, and those having any misleading tendencies are not sufficient and will need new descriptions.

The above does not permit the reuse, without suitable alterations, of any description which is sufficient, when its reuse will separate it from accompanying facts, evidence, or context upon which it depends for that sufficiency. Terms such as "said," "aforesaid," "beforementioned," "hereinafter described," "hereinabove mentioned," and "named below," or any other reference of like kind, must refer to other parts of the same description; if they do not, the description shall be modified appropriately.

The area of the total taking shall be given in the description only if it is correct as stated in the description being reused.

In case the owner's land was created by several purchases, or by two or more descriptions in the same or different conveyances, it is permissible and often very desirable to combine the several existing descriptions into a single description. For example, if title to "Lot 44 in Smith's Addition" was acquired by a first conveyance and title to "Lot 50 in Smith's Addition" was secured by a second deed, the descriptions should be combined into "Lots 44 and 50 in Smith's Addition" for the purposes of a total taking. Such parcels do not have to be contiguous. Combining descriptions in this manner does not eliminate the necessity for assigning different letter suffixes to takings from different land units.

- Computed area of the presently existing right of way
- Net area of the taking.

The net area, which is used to establish fair market value for acquisition, is the difference between the gross area to be acquired and the computed area of the presently existing right of way. The area statement will then read: " . . . containing ____ hectares (acres), more or less, inclusive of the presently existing right-of-way which contains ____ hectares (acres), more or less, for a net additional taking of ____ hectares (acres), more or less."

b. Total Taking

As defined herein, a total taking consists of the acquisition of an owner's land unit in its entirety, but not necessarily including lands owned elsewhere by the same owner (such as a second farm not contiguous to the land unit and from which no right-of-way is required) and which has no common unity of use with the first land unit. The definition is valid even where the land unit taken is the only remainder of a previously acquired and recorded partial taking by the State, whether or not access rights were included in the earlier taking.

A group of two or more adjoining lots in a platted subdivision under the same ownership must be taken in its entirety to constitute a total taking; that is, the acquisition of one or more whole lots leaving an unacquired remainder in the group is a partial taking. Two noncontiguous parcels or lots under one ownership, when all of one and part of another are taken, are treated as a total taking and a partial taking, respectively. Land units under one ownership which are separated only by a county line must both be acquired in their entireties in order to constitute a total taking.

In the event the land unit of an owner is to be acquired in its entirety, even if excess land is included in the purchase, the description contained in the deed of conveyance to the owner shall be reused verbatim provided it is correct and may be readily interpreted by a land surveyor. For reuse to be possible, the land unit must have been described separately in said deed. Excepting as otherwise provided in subsequent paragraphs, it is neither necessary nor desirable to alter such descriptions if they already furnish reasonable means

F. MISCELLANEOUS REQUIREMENTS FOR WRITING DESCRIPTIONS**1. Takings****a. Presently Existing Right-of-Way**

All permanent takings that abut presently existing right of way which is not held in fee by the public, shall be considered for the reacquisition of the presently existing right of way with the new take. The decision to include presently existing right of way with the new taking is made on a project by project basis. This decision shall be based on the quality of title and visible evidence that would support the claim of the state to the presently existing right of way. Visible evidence, such as right of way markers, drainage facilities, fences, old utility poles or other objects on the ground serve as notice to subsequent purchasers of the existence of the state's easement or right of way. In cases where the state holds title to the existing right of way by an unrecorded grant or in cases where there are no recorded documents of any kind, the reacquisition of the presently existing right of way is strongly encouraged.

Inclusion of the presently existing right of way in the legal description shall not apply to:

- Platted territories where the numbered lots reach only to the side lines of the street;
- Unplatted territories when title information conclusively demonstrates that the abutting owner's description includes no part of the existing public right-of-way;
- Temporary takings.

The legal description which involves presently existing right of way shall identify:

- Gross area to be acquired

(317) 233-9146

October 2, 2006

MEMORANDUM

TO: Angela Kattmann
Environmental Services Section

RE: Asbestos Inspection

Project: IM-465-4(354)
Code: 4563
Parcel(s): 40
County: MARION
Des. No.: 9829510
Location: 3034 LUPINE DR., INDPLS 46240

NOTE: KEYS ARE AVAILABLE AT THE GREENFIELD DISTRICT

Please add the above referenced parcel(s) to your inspection list. The building(s) to be inspected are DWELLING, GARAGE & SHED, which are currently unoccupied. The inspector will need to contact our office to obtain keys if needed. The report for these inspections should be returned to our office no later than DECEMBER 15, 2006. Please let me know if there are any questions.

Sincerely,

Alan Curson
Acquisition Assistance Manager
Real Estate Division

AC:sc

Cc: GREENFIELD District
Records

body following the words ". . . to the point of beginning." After the area is recited, as given below, the words "more or less" are added to show that in the event of a discrepancy between the area actually embraced within the description and the quantity stated at the end of the description of the taking, the actual area shall control over the stated area.

Every partial take description of land prepared for the use of the Division of Land Acquisition shall give the area of the real estate so described. All partial take descriptions shall close with an area statement reporting (hectares to four places to the right of the decimal point), (square meters to one place to the right of the decimal point), (acres to three places to the right of the decimal point) and (square feet to the nearest whole square foot) as appropriate.

For total takings where the description is taken from the deed of record, the area statement must be consistent with the deed of record. If the computed area of take is not consistent with the record description, the area statement shall be omitted.

- Whenever lands occupying portions of two or more sections are combined into one parcel by a single description, the quantity shall be stated as follows:

". . . and containing ____ hectares (____ acres), more or less, in said Section ____, and containing ____ hectares (____ acres), more or less, in said Section ____; and containing in all ____ hectares (____ acres), more or less." This form may be altered for reporting separately the amounts in each of three or more sections.

- Whenever a whole lot (or a group of contiguous whole lots) and a portion of an adjoining lot (or portions of contiguous lots) are combined into one parcel by a single description, the same usually begins in accordance with the following example: "Lot 33 and the following-described part of Lot 32, all in Jones Addition. . . ." While the perimeter description will embrace only the portion of Lot 32 intended to be described, the content stated at the end shall also include the area contained in Lot 33. The following form shall be used in such cases: ". . . and containing in all ____ square meters (____ square feet), more or less."

termination are stated. Other instructions and information, such as qualifying calls, are included to provide for clarity and completeness. Qualifying calls include references to natural or artificial monuments which, in addition to bearings and distances, serve to further identify the property. Such monuments include, but are not limited to:

- Watercourses
- Meander lines
- Lot corners and lines
- Highways and streets
- Lines and corners of sections, quarter sections, etc.
- Railroads
- Property corners and lines between adjoining owners.

Use of the word "owner's" will be restricted to only those descriptions which are being forwarded to the DAG's Office for use in condemnation proceedings. This will allow the description to be used in more types of conveyance instruments, without the need to modify the description. When making a qualifying call for a line between adjoining owner's use; "... to the north line of the grantor's land;" or "...to the north line of the 5.25-acre tract described in Deed Record 17, page 100;"

Points are referenced to the Right-of-Way Parcel Plat by using one of the following:

- "... to the point designated _____ on the attached Right-of-Way Parcel Plat (Exhibit B). . . ."
- "... designated as point _____ on the Location Control Route Survey plat recorded in Book _____, page _____, in the Office of the Recorder of said County. . . ."

6. Area Statement

The area statement, for descriptions prepared for INDOT, shall be placed at the conclusion of the

of-way description shall be a corner of an aliquot part of the section or a corner of a numbered lot which is shown on a duly acknowledged, accepted, and recorded subdivision plat.

- Where none of the corners of the real estate mentioned in the new caption can or should be selected as the origin, the best other aliquot part corner, lot corner, or landmark of record shall be used.

When platted subdivision lots, and/or parts thereof, and adjoining unplatted lands are combined into one right-of-way parcel by a single description, the origin selected may be either a corner of the aliquot part of the section mentioned in the caption or a corner of one of the lots so mentioned, depending upon which one will give the description the best construction.

4. Entry Example

The following paragraph is an example of entry used by INDOT in the Right-of-Way engineering process:

". . . Commencing at the southwest corner of said section, designated as point "6" on said plat; thence North 3 degrees 50 minutes 41 seconds East 253.045 meters (830.20 feet) (830.28 feet deduced from Deed Record 194, page 586) along the west line of said section to the prolonged southern boundary of I-465; thence South 67 degrees 51 minutes 58 seconds East 6.420 meters (21.06 feet) along the prolonged boundary of said I-465 to the east boundary of Zionsville Road and the point of beginning of this description . . ."

5. Body of Description

The body continues the description by identifying in detail a particular tract of land which is first identified in the caption and typically follows the entry. The body should contain complete dimensions of the land being described. INDOT requires that specific distances and directions around a tract be recited in a clockwise sequence, and points of commencement, beginning, and

way parcel are coterminous, then the entry of the description in the owner's deed shall be reused in the description of the right-of-way parcel.

- When the entry of the description in the deed of conveyance to the current owner is correct and is capable of being readily interpreted and located, but the point of beginning of the description of the right-of-way parcel and the point of beginning of the owner's deed description do not coincide, then the entry of the description in the owner's deed may be reused after it has been first modified to render it applicable to the point of beginning of the description of the right-of-way parcel.

The most desirable way to compose an entry which conforms with the title boundaries of the parent tract is to follow boundaries of the parent tract from its origin to the point of beginning of the parcel to be acquired. A second choice would be to cause its route to follow boundaries of land mentioned in the caption, or a combination of both. But where the route cannot follow such boundaries for the entire length of the entry from the origin to the point of beginning, or where it must deviate altogether from such boundaries, it should be made to follow whatever other monumented boundaries may be available and identifiable.

Finally, entries consisting of a traverse having two or more successive lines shall use the word "commencing" when starting at the origin and, after having described the several courses, shall arrive at the "point of beginning of this description." In this way a distinction is made between the origin and the point of beginning.

The origin should be selected as follows:

- If the title description of the parent tract has an origin, first consideration shall be given to the retention of that origin for the description of the right-of-way taking in order to show conformability with the title boundaries.
- If reuse of the origin in the parent title description is impracticable, or if the title description is of a type which does not contain an origin, the origin selected for the right-

(317) 233-9146

January 9, 2007

MEMORANDUM

TO: Angela Kattmann
Environmental Services Section

RE: Asbestos Inspection

Project: 46543544
Code: 4563
Parcel(s): 48
County: MARION
Des. No.: 9829510
Location: 3102 LUPINE DR., INDPLS. 46224

Please add the above referenced parcel(s) to your inspection list. The building(s) to be inspected are DWELLING, which are currently unoccupied. The inspector will need to contact our office to obtain keys if needed. The report for these inspections should be returned to our office no later than FEBRUARY 28, 2007. Please let me know if there are any questions.

Sincerely,

Alan Curson
Manager Property Management Section
Real Estate Division

AC:sc

Cc: GREENFIELD District
Records

b. Platted Lands

"A part of Lot 7 in Block D in the Oak Ridge on the Grand Calumet Second Addition to the City of Gary, Indiana, the plat of which is recorded in Plat Book 20, page 49, in the Office of the Recorder of Lake County, Indiana, [***] described as follows: Beginning"

"A part of Lots 16, 17, 18, 19, and 20 in Block 15; a part of the West Half of vacated Elm Avenue; and a part of the East Half of vacated Alley Number 5; all in Towle and Avery's addition to the City of Hammond, Indiana, the plat of which is recorded in Plat Book 1, page 104, in the Office of the Recorder of Lake County, Indiana, [***] described as follows: Beginning"

"A part of Lots 3 to 8, both inclusive, in Block 4 (now vacated) in Banker's Estates, a subdivision in the West Half of the Northeast Quarter of Section 9, and in the West Half of the Southeast Quarter of Section 4, all in Township 20 North, Range 4 West, the plat of which subdivision is recorded in Plat Book 2, page 388, in the Office of the Recorder of Blank County, Indiana, [***] described as follows: Beginning. . . ."

c. Platted Land Adjoining Unplatted Lands

"A part of the Southwest Quarter of the Southeast Quarter of Section 3, and a part of the Northwest Quarter of the Northeast Quarter of Section 10, all in Township 11 North, Range 6 East; and Lots 4, 5, and 6 and a part of Lots 1, 2, 3, and 7 in Block 1 in the Original Town of Blanksville, Indiana, the plat of which original town is recorded in Plat Book 1, page 3, in the Office of the Recorder of Blank County, Indiana, [***] described as follows: Beginning"

"A part of Government Lot 1 in the Northeast Quarter of Section 24, Township 29 North, Range 2 East; a part of the Fractional North Half of the Northwest Quarter

followed by the platted lands procedure.

Captions are normally required when a metes and bounds description is used. Exceptions to this rule are as follows:

- When in the event of a total taking, an uncaptioned description contained in the conveyance to the grantor is reused verbatim;
- Captions are not required for descriptions of land which are identifiable simply by reference to an aliquot part of a section or simply by lot number and reference to a recorded plat of a city, town, or subdivision;
- Captions are unnecessary in "parallel lines" descriptions.

When using a metes and bounds type description, all captions for new permanent take descriptions must reference the Right-of-Way Parcel Plat. This reference (noted by [***] below) shall be inserted prior to the phrase "described as follows," and reads as follows:

[***] ". . . and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B",

2. Caption Examples

a. Unplatted Lands

"A part of the Southeast Quarter of the Northeast Quarter and a part of the East Half of the Southeast Quarter of Section 11, Township 17 North, Range 1 East, Blank County, Indiana, [***] described as follows: Beginning"

"A part of Government Lots 1 and 2, and part of the Northwest Quarter, all in Section 9, Township 36 North, Range 7 West, Blank County, Indiana, [***] described as follows: Beginning"

- Michigan Road Grants
- Indiana Gore (First Principal Meridian)
- Platted Subdivisions

As a rule, the caption should be logically arranged to first recite the general area or location of the land. Captions begin with the words "a part of" and then cite the following items in their given order:

Platted Lands

- Lot Number(s)
- Block Number(s) (if any)
- Vacated Streets/Alleys (if any)
- Official Subdivision name
- City, Town, or Aliquot
- Section, Township, and Range
- County and State in which plat is recorded
- Recordation information

Unplatted Lands

- Half section, quarter section, half-quarter section, quarter-quarter section, government lot number
- Section number
- Township number north or south of a base line
- Range Number east or west of a principal meridian
- County and State

For platted lands, lot numbers shall be recited in their numerical order. If the taking consists of all of a lot(s) and parts of other(s), the whole lot(s) shall be mentioned first.

For unplatted lands, the aliquot part identified in the owner's description shall be used as the aliquot part in the new description. If the owner's description fails to identify an aliquot part, the new caption shall identify the larger aliquot part of the section (that is, the 160-, 80-, or 40-acre unit or other regular division) of which the land being described is a portion.

When platted subdivision lots, and/or parts thereof, and adjoining unplatted lands are combined (defined as compound captions), the caption should follow the procedure for unplatted lands

the description. For more information about Right-of-Way Parcel Plat requirements, see Chapter IV.

D. METES AND BOUNDS DESCRIPTION ELEMENTS

Descriptions typically consist of:

- Caption - the leading statement which recites a general area or location and usually precedes the specific and precise portions that positively identify the land.
- Entry - that portion which determines the point of beginning with respect to the origin of the description.
- Body - pinpoints a particular location in the general area described in the caption, a key element of which is the entry.
- Statement of Area - except for total takings, every description of land shall give the area of the real estate described by the above elements.

1. Caption

The caption of a description is a general statement, which identifies the location of the land described in relation to a pre-existing survey scheme and states the intent of the description, namely, to describe the taking(s) illustrated on the Right-of-Way Parcel Plat. Some of the survey schemes in Indiana are:

- United States Public Land System
- Clark Grants
- Illinois Grants
- Indian Grants (Reserves)

- Name of city or township and county
- Recordation data: book, page, county office, county, state.

b. Unplatted Land

When a parallel lines description is used for unplatted land, the description includes:

- Half section, quarter section, half-quarter section, quarter-quarter section, or government lot number
- Section number
- Township and range
- County and state.

An example of a parallel lines description for platted land would read as follows: "The West 7.620 meters (25.00 feet) of Lot 2 in Smith's Addition to the Town of Roeville, Indiana, the plat of which addition is recorded in Plat Book 3, page 255, in the Office of the Recorder of Blank County, Indiana, containing 116.1 square meters (1,250 square feet), more or less.

An example of this description for unplatted land would read as follows: " The South 7.620 meters (25.00 feet) of the Southeast quarter of Section 8, Township 10 North, Range 2 East, Blank County, Indiana, and containing 0.6132 hectares (1.515 acres), more or less.

3. Graphic Description (Right-of-Way Parcel Plat)

In order to comply with 865 IAC 1-12 ("Rule 12"), INDOT has adopted the policy of including a graphic description (Right-of-Way Parcel Plat) as part of descriptions prepared for all permanent right-of-way acquisitions. The Right-of-Way Parcel Plat, identified as Exhibit B, serves as the graphic part of a description when used in conjunction with a metes and bounds or parallel lines description, identified as Exhibit "A". Rule 12 applies only to newly created legal descriptions. Thus, for total take acquisitions that use existing descriptions from deeds of record, the Right-of-Way Parcel Plat will not be referenced in

C. TYPES OF DESCRIPTIONS

1. Metes and Bounds

A metes and bounds description describes a tract of land by traversing the perimeter using bearings and distances and where appropriate, by referencing natural and artificial monuments. This type of description is familiar to county recorders, attorneys, and others involved with real estate and therefore is acceptable to these parties in conveyance instruments.

2. Parallel Lines

A parallel lines description, occasionally used for partial takings, does not follow the traditional metes and bounds procedure that describes the boundary lines of a parcel. The description of the taking recites a dimension in a designated direction. The recited dimension denotes the land between parallel lines, typically measured at right angles to the parallel lines, of which one line may be the side(s) of the original property. Parallel lines descriptions are comprised of three main parts:

- The dimension of the taking and a designated direction
- Description of the owner's real estate (or an aliquot part thereof)
- The area of taking.

a. **Platted Land**

For platted land, reference is made to parts of numbered or lettered lots, inlots, outlots, and/or blocks, which are shown on a recorded plat of a town, addition, subdivision, or other division of land. The parallel lines description includes (as applicable):

- Lot number(s)
- Block number(s)
- Streets and alleys (if vacated and are in right-of-way taking)
- Subdivision name

A. INTRODUCTION

Conveyance instruments should include a number of items, which describe the right-of-way transaction to occur. A description (sometimes referred to as a legal description or property description) must be constructed before title and/or interest in real estate can be transferred from the property owner to the State of Indiana. In right-of-way acquisitions, land and property rights being acquired shall be described. Residues shall not be described. Chapter V presents procedures to be used in preparing the appropriate conveyance instruments.

Where land or property rights or both are being acquired, a legal description shall be prepared for each parcel which requires a separate parcel number under the provisions of Chapter II. Any needed parcel located partially within one right-of-way project and partially within a second right-of-way project is usually considered entirely under the project having the earliest scheduled land acquisition completion time.

B. SUFFICIENCY OF DESCRIPTIONS

A description should be written so that its form concisely describes a tract of land and eliminates the chance for errors or ambiguities. Descriptions written for the Indiana Department of Transportation shall meet the following requirements:

1. The land is accurately described.
2. The land can be located on county tax maps and located in the field.
3. The description is acceptable for transfer purposes.

Prior to writing the actual description, the person preparing the description shall assemble all available information relating to the property in question. This includes, but is not limited to, deeds, R/W plans, field notebooks, surveyor's reports, and plats of surveys. This data should be compared and analyzed to assure the writer that an accurate and complete description can be produced. In those cases where additional fieldwork is necessary, the manager of the Engineering Section shall first be consulted.

III. PROPERTY DESCRIPTIONS

EXHIBIT "A"

Project: ACIM-465-4(278)136

Sheet 1 of 1

Code: 3323

Parcel 1 Fee with Full Limitation of Access

A part of the Southwest Quarter of the Southwest Quarter of Section 12, Township 17 North, Range 2 East, Boone County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the southwest corner of said section, designated as point "6" on said plat; thence North 3 degrees 50 minutes 41 seconds East 253.045 meters (830.20 feet) (830.28 feet deduced from Deed Record 194, page 586) along the west line of said section to the prolonged southern boundary of I-465; thence South 67 degrees 51 minutes 58 seconds East 6.420 meters (21.06 feet) along the prolonged boundary of said I-465 to the east boundary of Zionsville Road and the point of beginning of this description: thence South 67 degrees 51 minutes 58 seconds East 165.663 meters (543.51 feet) along the boundary of said I-465 to the northeast corner of grantor's land; thence South 9 degrees 47 minutes 41 seconds West 4.948 meters (16.23 feet) along the eastern line of the grantor's land; thence North 67 degrees 51 minutes 58 seconds West 165.123 meters (541.74 feet) to point "27" designated on said plat on the east boundary of said Zionsville Road; thence North 3 degrees 50 minutes 41 seconds East 5.091 meters (16.70 feet) along the boundary of said Zionsville Road to the point of beginning and containing 0.0799 hectares (0.197 acres), more or less.

This description was prepared for the Indiana Department of Transportation by _____, Indiana Registered Land Surveyor, License Number _____, on the _____ day of _____, 1998.

PARCEL COORDINATE CHART (shown in meters)

Point	Centerline	Station	Offset	Northing	Easting
5*	N.A.				
6*	N.A.				
27	"A"	10+779.421	52 m	9906.9330	10081.4207
34	"A"	10+980	52 m	9831.3604	10267.2182

NOTE: STATIONS & OFFSETS CONTROL OVER BOTH NORTH
& EAST COORDINATES AND BEARINGS & DISTANCES.

* SEE LOCATION CONTROL ROUTE SURVEY PLAT.

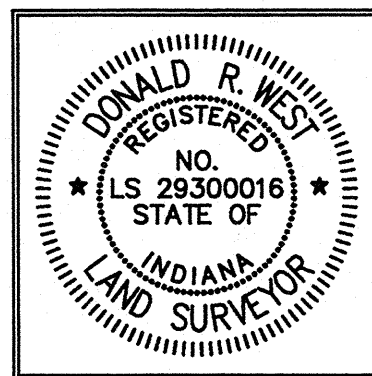
SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded in Instrument No. 9708546 in the Office of the Recorder of Boone County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-2, (Rule 12).

Donald R. West 2-13-98

Donald R. West Date
Reg. Land Surveyor No. LS29300016
State of Indiana

 5332 N. Temple Ave.
CONSULTANTS Indianapolis, IN 46220



PARCEL:	1	OWNER:	CARTER VAN LINES & A-1 STORAGE, INC.	DRAWN BY:	K.D. MARLEY 2-10-98
CODE:	3323			CHECKED BY:	D.R. WEST 2-13-98
PROJECT:	ACM-465-4(278) 136			DES. NO.:	9230515
ROAD:	1-465				
COUNTY:	BOONE				
SECTION:	12				
TOWNSHIP:	17 N.				
RANGE:	2 E.				

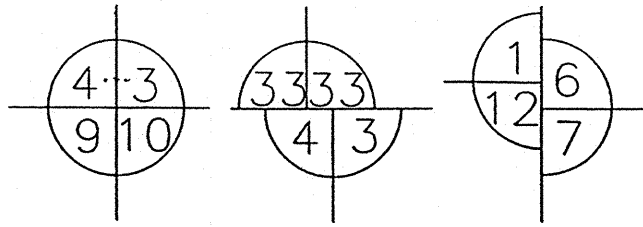


FIG. 1

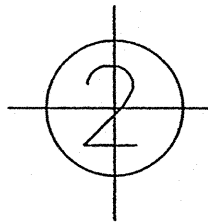


FIG. 2

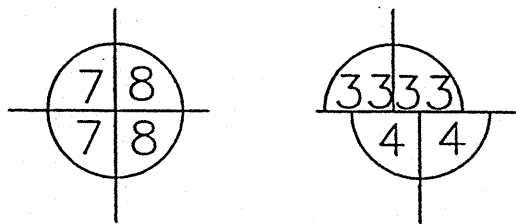


FIG. 3

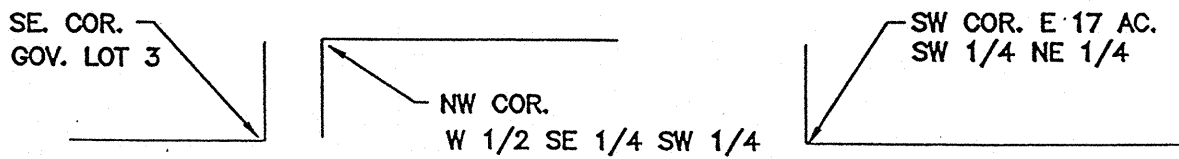


FIG. 4

Plat.

Section corners shall be indicated as shown in Figure 1, and section centers shall be marked as indicated in Figure 2. Quarter section corners shall be shown as indicated in Figure 3. (Figures 1-4 are found at the end of this chapter)

An alternate method for identifying corners is illustrated in Figure 4 (labeling is placed inside the aliquot part near the corner being identified):

As an alternative to labeling the corners of the aliquot part, the entire aliquot part may be labeled, such as $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$, lettered conspicuously across its center.

6. **Special Requirements for Platted Lands**

- Plats for platted lands must show:
- Subdivision Name - the official name and recordation of the subdivision as it appears on the recorded subdivision plat and the name of its municipality or jurisdiction.
- Lot and/or Block Numbers - these are placed within the boundaries of the lot or block being identified; circles are not drawn around lot or block numbers.
- Dimensions - lot dimensions and widths of all public ways are shown, as indicated on the subdivision plat.
- Labeling - street and road names are lettered within their boundaries; alleys are also identified.
- Original lot lines.

- Blanket easements affect title to the entire property and are not restricted by legal description to any specific part of the whole property. Blanket easements are identified with a note such as "BLANKET EASEMENT FOR PIPELINE IN FAVOR OF _____."
- Leases and mineral rights owned by other than the fee owner are shown with identifying notes such as "LEASE IN FAVOR OF _____" and "MINERAL RIGHTS IN FAVOR OF _____ MINING CO."
- Land contracts are accounted for on the Right of Way Parcel Plat by a note such as "SOLD ON LAND CONTRACT TO _____, BOOK 200, PAGE 125, DATED _____," added immediately under the recording data for the deed. If the contract is not recorded, book and page reference are replaced by "UNRECORDED."

5. Special Requirements For Unplatted Lands

a. Topography

Plats for unplatted lands shall show section lines and corners, quarter section lines, and other boundary features such as public ways, county lines, etc., as solid lines, properly labeled. However, (1) where such lines come within highway right-of-way they shall be dashed lines unless project center lines are superimposed on them; (2) section lines and quarter section lines which cross properties shall be dashed with an ownership "hook" added. Streams shall be drawn to scale. In order to distinguish between railroad rights-of-way and public ways, at least one railroad track shall be drawn within the railroad right-of-way. The name of the railroad shall be given. Whenever a congressional township line or a range line appears on a Plat, both township numbers and both range numbers shall be properly identified.

b. Sections, Aliquot Parts, and Corners

The position of a property within a section or aliquot part of a section must be clearly shown to enable title report data to be easily coordinated with and traced upon the Right-of-Way Parcel

-
- i. If space and scale of the plat permit, the total area in the owner's land unit from which right-of-way is to be acquired shall be shown along with dimensions taken from the deed of record. If this is not practical, a partial area of the owner's land unit, showing the entire parcel to be acquired and key deed dimensions also shall be included.
- j. The plat must be sufficiently complete to allow the owner's deed description to be easily followed (traced) on the plat either in its entirety or only partially as described in "i" above. Boundary dimension units of the deed of record are to be labeled on the plat.
- k. The plat shall show any easements appearing in the chain of title encumbering the owner's land as well as those held by the owner across the land of neighboring owners.
- l. The scale must be marked and must be measurable using an appropriate Engineer's scale (metric or English equivalent).
- m. Where title description errors exist, the owner's land is plotted as correctly as other evidence will permit. Incorrect entry and boundary dimensions are to be noted "[SIC]", to indicate that they exactly repeat questionable title distances.
- n. All mortgage lines included within the area of the take shall be shown and labeled on the plat. The label is to appear on the property which is encumbered by the mortgage.
- o. Any portion of the taking which consists of excess land shall be separated by the right-of-way line and marked "EXCESS LAND."
- p. **Special Interests**
- Public and private easements (including those owned by utilities) which can be plotted are outlined with a dashed line and identified with a note such as "20_ EASEMENT FOR LANE IN FAVOR OF _____."

4. Guidelines for preparation of Right-of-Way Parcel Plat

- a. Letter size (8 1/2" x 11") is the preferred size for the plat. Larger sizes, such as 11" x 17" (ledger size), may be used when necessary for owners with extensive takings; multiple sheets are acceptable labeled Sheet ____ of ____, etc.
- b. Each property ownership must have its own plat. A plat may include multiple parcel takes from a property ownership. Always indicate North to the top of the page.
- c. Station & offset and local northing & easting departure coordinates for the new right-of-way points, needed to establish the new right-of-way for the subject parcel, must be annotated on the plat.
- d. All applicable control points shown on the Location Control Route Survey Plat will also be shown on the Right-of-Way Parcel Plat. The same coordinate system, bearing system and point numbers shall be used on the Right-of-Way Parcel Plat as used on the Location Control Route Survey Plat.
- e. The computed values of the local northing and easting departure coordinates must be recorded accurate to at least three decimal places to the right of the decimal point.
- f. The measured values of stations and offsets must be accurate to at least three decimal places to the right of the decimal point.
- g. The area of the new acquisition should be shown with hatch marks.
- h. Property lines and existing right-of-way lines shall be delineated (made bold). Existing limited access shall be labeled. The new right-of-way lines (including new limited access lines) shall be labeled.

part of) the legal description of property being acquired. As noted in Chapter III (Property Descriptions), the narrative legal description incorporates the Right-of-Way Parcel Plat by reference. The description and the plat are attached to, and are incorporated by reference into, the warranty deed, perpetual highway easement and other appropriate conveyance documents and recorded with the fully executed instruments. In the event of condemnation, the description and plat are included in the condemnation suit. (See Chapter V).

It is important to emphasize that the primary purpose of the Right-of-Way Parcel Plat is to ensure compliance with Rule 12. It also serves to provide a visual depiction of the taking set forth in the narrative legal description which is attached to the conveyance instrument. Obviously, the narrative legal description (attached to the conveyance instrument as Exhibit A) and the Right-of-Way Parcel Plat (attached as Exhibit B) must agree.

The dual uses necessitate inclusion of information taken or computed from Record Document(s) referenced on the Right-of-Way Parcel Plat. At the time that the Land Surveyor signs and seals the plat, he or she must note this fact. Accordingly, the "Surveyor's Statement" part of the plat should read as follows:

Surveyor's Statement

To the best of my knowledge and belief, this plat, together with the Location Control Route Survey Plat recorded as (_____) in the Office of the Recorder of _____ County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey, executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12).

/S/ Surveyor _____

Name of Surveyor _____

L.S. # _____

Dated _____

3. Information to Be Included on Right-of-Way Parcel Plat

a. The Right-of-Way Parcel Plat includes a Parcel Coordinate Chart that shows both station and offset references and local coordinate information. Since the latter information is computed, the chart must clearly indicate that when a conflict exists between the station/offsets and the northings/eastings, the station/offset should control. An example of a Parcel Coordinate Chart from a typical Right-of-Way Parcel Plat follows:

Parcel Coordinate Chart (shown in meters)					
Point	Centerline	Station	Offset	Northing	Easting
42	"A-PR"	10+360	21 m	1318.9794	1821.131
43	"A-PR"	10+240.125	26 m	1376.4903	1715.0946
51	"A-PR"	10+495	15.240 m	1257.591	1942.0325
52	"A-PR"	10+437	43 m	1261.415	1877.451
53	"A-PR"	10+400	29 m	1291.9695	1851.950
6*	NA				
7*	NA				
Note: Stations and offsets control over both north & east coordinates and bearings & distances. * See Location Control Route Survey Plat.					

b. To avoid duplication, and to provide maximum information to all users and to the general public, the Right-of-Way Parcel Plat serves dual purposes. In combination with the Location Control Route Survey Plat it comprises the "Route Survey" contemplated by Title 865 IAC 1-12 ("Rule 12"). By itself, the Right-of-Way Parcel Plat accompanies (and in effect becomes

D. TWO-STEP ROUTE SURVEY PLAT

1. Location Control Route Survey Plat

This plat is developed by an INDOT land surveyor or consultant surveyor and covers an entire right-of-way project. In either case the Design Division has primary responsibility for the Location Control Route Survey Plat. Surveyors in the Design Division do not attempt to reestablish property lines from the deeds. However, surveyors review last deeds of record to find any reference to property corner monumentation and they attempt to discover all physical evidence of property lines that is available. Hedge rows or fence rows that appear to be property lines are labeled "App. P.L." When property line evidence cannot be found and where a property line is expected to exist, the surveyor notes NEPL (No Evidence of Property Line). Section corners that cannot be found are noted as such in survey documentation. This plat does not show proposed right-of-way.

Responsibility for recording Location Control Route Survey Plats varies as follows:

- In-house survey plats are recorded by the Land Acquisition Division.
- Consultant survey plats are recorded by the consultant. Recorded plats are submitted to INDOT on 24" x 36" mylars or A-1 size plan sheets (594 mm x 841 mm) along with the last deeds of record.

2. Right-of-Way Parcel Plat

This plat is developed by the Right-of-Way Engineering Section or the consultant assigned to the project and is recorded with the conveyance instrument separately from the Location Control Route Survey Plat. An individual Right-of-Way Parcel Plat is prepared for each parcel. This plat shows the lines for existing right-of-way and right-of-way to be acquired and location of existing property lines in the vicinity of the right-of-way to be acquired. It also cross references and ties into the previously recorded Location Control Route Survey Plat for the project in order to show all applicable control points. An example Right-of-Way Parcel Plat may be found at the end of this chapter.

- Locate all such monuments on the same system as used to locate the controlling survey line(s) using an accepted practice such as Indiana State plane coordinates, station and offsets, course and distance, or local coordinates, including the basis for the system used. Clearly label the monumented survey line controlling the location of the right-of-way.
- Show and locate any right-of-way points, lines, or tracts which have been created or proposed relative to the survey line.
- Show the owner's names at the time of the survey (as determined by the county tax records or if later information is known, by that information) and the approximate location of any property lines which may be coincident with, intersect with, or enclosed by, any proposed or depicted right-of-way lines. However, a route survey is not a retracement survey of the properties affected by the route survey. The accuracy of location of such properties may be based on ambiguous or faulty recorded descriptions, discovered conflicting physical evidence and/or testimony.
- Show the name of the client or government agency. Include the project or file number if known, and the surveyor's file number.
- Include certification(s) which states that, to the best of the registered land surveyor's knowledge and belief, the route survey is executed according to the provisions of this rule and defines the scope of responsibility for each certifying registered land surveyor, if needed for clarity. Include the name, address, registration number, signature, and seal of each registered land surveyor, the date of the fieldwork, and the date of the certification.

C. SINGLE ROUTE SURVEY PLAT

A single Route Survey Plat must comply with the requirements of Title 865 IAC 1-12 and must provide sufficient data to allow retracement of the route survey without difficulty. The complete Route Survey Plat will include such items as survey line/baseline, centerline, right-of-way, monuments, and property lines.

Single Route Survey Plat Checklist

- Draw the Route Survey Plat to scale and in such a manner that the data shown will be clearly legible when the plat is reduced to sheets suitable for recording which are no larger than eleven (11) inches by seventeen (17) inches and no smaller than eight and one-half (8.5) inches by eleven (11) inches.
- Show the north arrow and scale, including a graphic scale.
- Show a vicinity map if needed to define the location of the project.
- Show all pertinent dimensions. Dimensions not measured shall be noted as to their origin or that they were calculated.
- Show sufficient data to allow the retracement, without difficulty, of all the lines and points for the project.
- Show all monuments used on or related to the route survey such as the controlling survey line, centerline, right-of-way, property, public land survey together with any reference ties thereto.
- Identify all monuments and indicate which were set and which were found, and their character, size, and location relative to the surface of the ground. Found monuments shall be accompanied by a reference to their origin when it is known or a notation that there is no available documented reference of the origin.

A. INTRODUCTION

The term "plat" generally refers to a plotted map, chart or plan, drawn to scale. INDOT has used a number of plats in connection with its land acquisition activities. These plats typically show property boundaries, subdivisions, easements and access of congruent tracts of land or parcels and serve as a visual record of a survey.

According to Title 865 and Indiana Administrative Code Rule 12, "When conducting a route survey, a land surveyor shall prepare a route survey plat. . . ." Most INDOT projects comply with Rule 12 by using a Route Survey Plat consisting of both a Location Control Route Survey Plat and a Right-of-Way Parcel Plat. In some instances a single Route Survey Plat is sufficient. In either case, the plats are prepared prior to any acquisition activity by INDOT.

B. ROUTE SURVEY PLATS

Route Survey Plats serve several purposes. They are part of a complete set of right-of-way plans for a project; they delineate and record route survey information for the project; and they provide survey and right-of-way information for individual parcels from which right-of-way is to be acquired.

Two alternative methods are used for preparation of Route Survey Plats. The first method utilizes a **single** Route Survey Plat. The second method, used most frequently by INDOT, uses a **two-step** process which requires a Location Control Route Survey Plat and a Right-of-Way Parcel Plat. The single Route Survey Plat is used infrequently by INDOT and then primarily on small projects which are less likely to have changes in the right-of-way to be acquired.

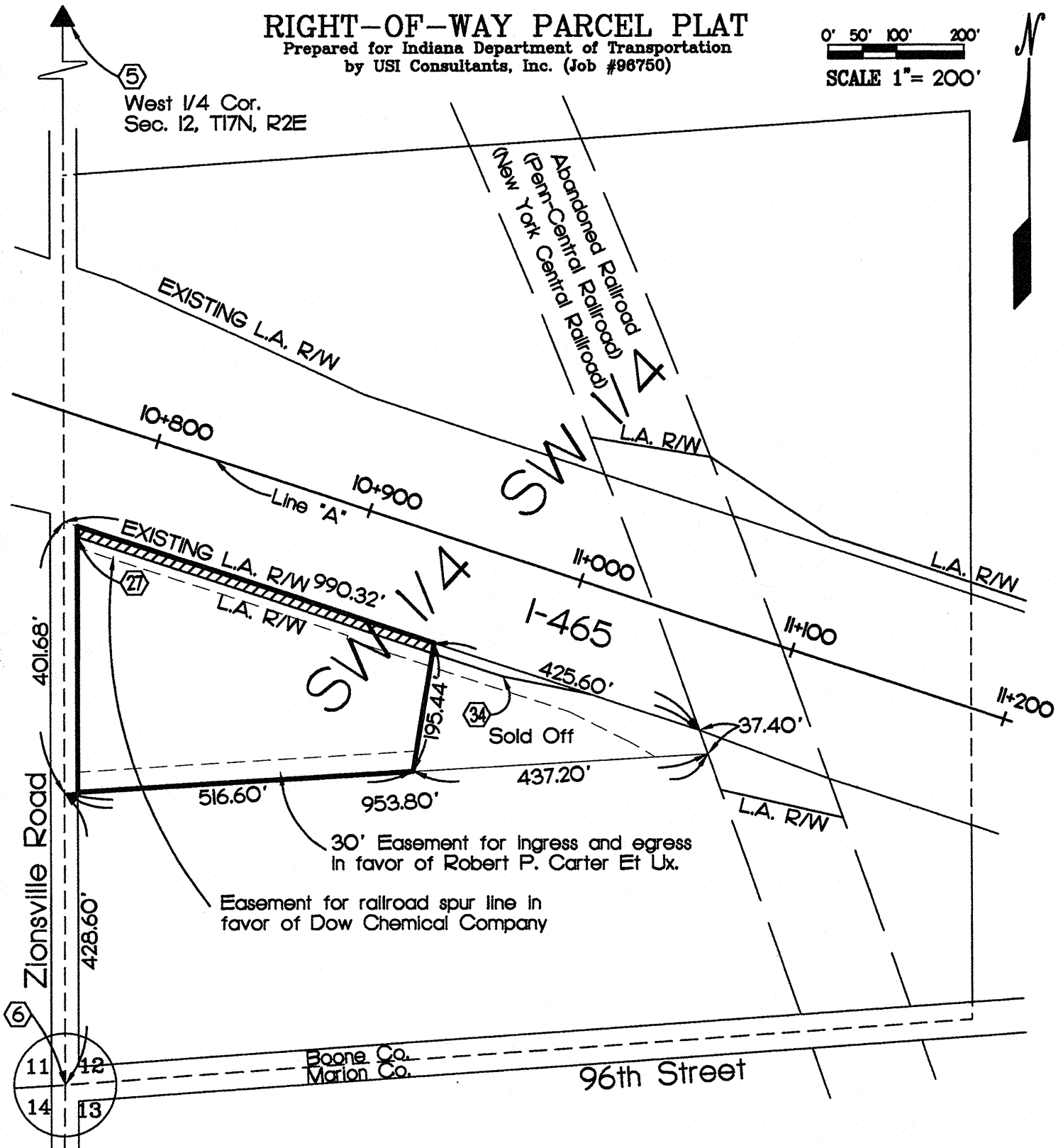
INDOT and its consultants shall follow the two-step process unless specifically authorized otherwise by the Manager of the Right-of-Way Engineering Section.

IV. PLATS

RIGHT-OF-WAY PARCEL PLAT

Prepared for Indiana Department of Transportation
by USI Consultants, Inc. (Job #96750)

0' 50' 100' 200'
SCALE 1" = 200'



PARCEL: 1 OWNER: CARTER VAN LINES & A-1 STORAGE, INC.
CODE: 3323
PROJECT: ACM-465-4(278) 136
ROAD: 1-465
COUNTY: BOONE
SECTION: 12
TOWNSHIP: 17 N.
RANGE: 2 E.



HATCHED AREA IS THE
APPROXIMATE TAKING

NOTE: CENTER LINE STATIONING
IS METRIC

DRAWN BY: K.D. MARLEY 2-10-98
CHECKED BY: D.R. WEST 2-13-98
DES. NO.: 9230515

DEED RECORD 194, PAGE 586, DATED 1-30-73
" 232, " 434, " 12-1-88

DIMENSIONS SHOWN ARE FROM THE ABOVE LISTED RECORD DOCUMENTS.

purchase uneconomic remnants. The landowner may choose either to convey the uneconomic remnant to the state or to retain ownership.

2. Authority and Review

Authority to decide whether excess land shall be acquired is not vested with the Right-of-Way Engineering Section. Normally, the Section is notified in writing of these decisions by the Division of Design, but such decisions may also be received from the Chief of the Division of Land Acquisition or his/her designee. The Right-of-Way Engineering Section does have authority for preappraisal identification of certain remnants which appear to be obviously uneconomic and for which an offer to acquire should be made.

Q. CONVEYANCE INSTRUMENT FORMS

The chart below is a ready reference depicting the nature and uses of the various standard forms contained in this chapter. The chart is followed by the Conveyance Instrument Forms.

O. EMINENT DOMAIN

When an Owner is unwilling to voluntarily convey title to the State, or when such a conveyance is impossible or impractical due to defective title, the matter of acquisition is referred to the Attorney General's Office for the preparation, filing, and pursuance of an eminent domain action. The Right-of-Way Engineering Section's staff is actively involved in the case preparation process and provides technical assistance to the Attorney General's staff both before and after the case is filed.

Because no conveyance instrument is executed by a "Grantor," the metes and bounds or reference description is modified by the Engineering staff to substitute the word "Owner(s)" wherever "Grantor(s)" is referenced. After a careful review, both the revised Exhibit A and the Exhibit B are forwarded to the Attorney General's Office with the condemnation envelope. A copy of the originally-proposed instrument is also included since it contains recording, access, and other information required for case preparation.

P. EXCESS LANDS

1. General

Whenever land is being acquired by INDOT by purchase, donation, condemnation, or otherwise and the cost of the land being acquired together with the damages to the remainder of the lot, parcel, or tract is equal to or greater than the total value of the entire lot, parcel, or tract, the Department is empowered to acquire the entire lot, parcel, or tract by purchase, donation, condemnation, or otherwise.

The Department may also acquire such entire lot, parcel, or tract when by so doing the interest of the public will be best served. This authority applies to land acquisition for frontage roads which are incidental to and near an arterial or express highway. This power can also be applied to acquiring land for wetlands mitigation and for other highway-related environmental purposes.

On federally-assisted projects, the Uniform Relocation Assistance Act requires that if acquisition of only part of a property would leave its owner with an uneconomic remnant, the State shall offer to acquire that remnant. For state projects which have no federal funding, state law similarly requires an offer to

N. ACQUISITIONS FROM GOVERNMENTAL AND QUASI-GOVERNMENTAL ENTITIES

1. General

Highway projects often necessitate the acquisition of property or property rights owned or controlled by public or quasi-public entities including federal, state or local governments; political subdivisions such as school corporations, state colleges and universities, airport or port authorities, public corporations, conservancy districts; railroads; public utilities and others.

2. Unique Conveyances

Each such entity has its own unique requirements, policies, procedures and preferred conveyance forms. Some have statutory or blanket corporate authority to convey rights-of-way to INDOT; others require specific action by their legislative, governing, and/or administrative bodies. In some cases, a particular entity has no authority to convey fee title while another may sell the fee but only if nonoperating right-of-way is involved. Each conveyance instrument is unique to the particular entity.

3. Preparation of Descriptions Only

The Right-of-Way Engineering Section and its consultants are not required to complete standard form instruments for governmental or quasi-governmental entities. Metes and bounds or reference descriptions and Right-of-Way Parcel Plats are prepared in the normal manner for permanent takings; metes and bounds or reference descriptions are completed for temporary takings. The descriptions are in turn transmitted by the Right-of-Way Engineering Section to the office designated to coordinate acquisition in order that they may be incorporated by reference into the appropriate conveyance instrument required by that office.

- c. Quit Claim Deed - Mineral Rights With Partial Limitation of Access (MQCD-3). This is similar to Form MQCD-2 except that access is allowed at specific points described in the legal description.
- d. Quit Claim Deed - Surface Mineral Rights (MQCD-4). This is similar to Form MQCD-1 except that only surface rights are released. The owner of the mineral rights may continue to extract same beneath the surface of the highway.
- e. Quit Claim Deed - Surface Mineral Rights With Limitation of Access (MQCD-5). This is similar to Form MQCD-2 except that only surface rights are released.
- f. Quit Claim Deed - Surface Mineral Rights With Partial Limitation of Access (MQCD-6). This is similar to Form MQCD-3 except that only surface rights are released.

L. RELEASE FORM - QUIT CLAIM DEED

Quit Claim Deed Release (RQCD) is an all-purpose form which is utilized to obtain the release of any nonfee interest or to quiet title. Such uses include, but are not limited to, releasing private easements (driveway, utility or access rights), possessory rights (other than mortgages), clearing fractional interests when ownership is not claimed, releasing judgment liens and the rights of land contract vendees, and obtaining dower and other interests omitted in a prior conveyance.

INDOT has adopted the practice of using the Quit Claim Deed to secure a release or partial release of leasehold interests.

M. RELEASE FORM - MORTGAGES

A release form (RD-1) is used to document the release of the acquisition parcel from the terms and conditions of a mortgage. As is the case with RQCD release form, special care must be taken to review such documents with legal counsel.

- c. Temporary Highway Easement Grant - General (T-3). The general all-purpose form which may be tailored for any temporary construction use not covered by the T-1 or T-2 forms. (Examples include construction materials storage area, construction vehicle storage, general grading or slope work, utility reconnection work area, and others.)

K. RELEASE OF MINERAL RIGHTS - QUIT CLAIM DEED

1. General

- a. The first three forms (MQCD-1, MQCD-2 and MQCD-3) are used to release all surface and subsurface mineral rights which are owned by an entity other than the fee owner.
- b. The next three forms (MQCD-4, MQCD-5 and MQCD-6) are used to release surface rights associated with mineral rights (e.g., drilling, exploration, surface penetration) while allowing the owner of the mineral rights to retain subsurface rights.
- c. Note: A specific determination to acquire releases of all mineral rights or of only surface rights shall be made on a project-by-project basis by the Chief of the Land Acquisition Division.

2. Forms

- a. Quit Claim Deed - Mineral Rights (MQCD-1). This is used to release all mineral rights, but allows the owner of the minerals to cross the highway facility upon or beneath the surface to extract such minerals found on abutting lands.
- b. Quit Claim Deed - Mineral Rights With Limitation of Access (MQCD-2). This is used to release all mineral rights and to prohibit any crossing of the highway facility upon or under the highway facility.

J. NONPERPETUAL GRANTS - TEMPORARY HIGHWAY EASEMENT**1. General**

- a. All forms in this section are temporary easements utilized only during the construction phase of a project; the rights terminate when construction has been completed and the project has been accepted by the Department.
- b. Each form contemplates the acquisition of and payment for timber, shrubs, fences, buildings or other improvements within the easement area which must be removed in order to perform the construction activities. Exceptions (e.g., fences or trees which are indicated not to be disturbed on construction and right-of-way plans) must be noted.
- c. The Grantor acknowledges fee ownership, the legal ability to grant the easement and the lack of any rights inconsistent with the grant.
- d. After construction has been completed, a master release document will be prepared, executed, notarized, and recorded by the proper Department official. This document will reference each recorded temporary easement and acknowledge that each has expired and shall no longer encumber the property.

2. Forms

- a. Temporary Highway Easement Grant for Construction of a Driveway (T-1). This form is used to regrade drive openings to conform to the new or upgraded highway facility.
- b. Temporary Highway Easement Grant for Demolition of Structure(s) (T-2). This is used to demolish a structure which is located in part outside of the permanent right-of-way area. Only that portion located outside is described in the Exhibit A.

- c. Each restricts the ability of the Grantor, without prior consent, to utilize the easement area for uses which are inconsistent with the highway use.
- d. Each contains an acknowledgment that the Grantor owns the underlying fee title and that the area is free of any inconsistent encumbrance.

2. Limitation of Access

Perpetual Highway Easement forms with limitation of access restrict or prohibit altogether direct access to the highway from the Grantor's residual lands.

3. Forms

- a. Perpetual Highway Easement (PHE-1). This form is used in place of a WD-1 or QCD-1 when the Grantor does not wish to convey fee title. Also used on non-limited access projects where fee title is not to be acquired.
- b. Perpetual Highway Easement With Limitation of Access (PHE-2). Similar to the PHE-1, it is the nonfee version of the WL-1 and QCD forms and includes the acquisition (extinguishment) of access along the entire frontage of the limited access highway.
- c. Perpetual Highway Easement With Partial Limitation of Access (PHE-3). Similar to the PHE-2, this form is the nonfee version of the WL-2 and QCD-3 forms; access is permitted only at one or more specifically described points referenced in the legal description.
- d. Perpetual Highway Easement for the Relocation, Cleaning and Repairing of a Legal Ditch (PHE-4). This form is used for a legal ditch pursuant to the Indiana Drainage Code. Both the State and the County are the grantees.

2. Limitation of Access

Quit Claim Deed forms with limitation of access restrict or prohibit altogether direct access to the highway from the Grantor's residual lands.

3. Forms

- a. Quit Claim Deed (QCD-1). This form is used when the Grantor is willing to convey fee title but will not make title warranties. Like the WD-1, this basic document is used in a "total taking" situation or partial taking when the extinguishment of access rights is not required by the project.
- b. Quit Claim Deed With Limitation of Access (QCD-2). This is used in place of the WL-1 form when the Grantor is willing to convey fee title but will not make title warranties. Access rights along the entire frontage of the limited access highway are acquired (extinguished).
- c. Quit Claim Deed With Partial Limitation of Access (QCD-3). This is used in place of the WL-2; it is similar to the QCD-2 except that access is permitted at one or more specific points of access referenced in the legal description.

I. PERPETUAL HIGHWAY EASEMENT (NONFEE ACQUISITION)

1. General

- a. All forms in this section are used to convey perpetual rights to the State of Indiana but allow the Grantor to retain ownership of the underlying fee title.
- b. Each gives the State the right to enter the area of the easement at any time for the construction, reconstruction, maintenance and operation of the highway and its appurtenant facilities and to permit use or occupancy of the area for utility purposes.

disposal of the highway is acknowledged. The conveyance is subject to conditions, restrictions and easements of record.

2. Forms

- a. Warranty Deed - Limitation of Access Control Line (WL-3). This is used to acquire (extinguish) access rights along the entire frontage of the limited access facility.
- b. Warranty Deed - Partial Limitation of Access Control Line (WL-4). This is used to acquire (extinguish) access along the frontage of the limited access facility except at one or more specific points of access referenced in the legal description.

H. FEE SIMPLE ACQUISITION - QUIT CLAIM DEED

1. General

- a. All forms in this section are used to convey fee simple title to the State of Indiana but do not contain warranties of any kind.
- b. Each contains a specific acknowledgment that the Grantor does not retain any reversionary rights to the property conveyed in the event of the future disposition thereof.
- c. Each allows maximum use of the area conveyed without further permission of the Grantor.
- d. The approval of the Chief of the Land Acquisition Division is required before a quit claim deed may be utilized for acquisition from a fee owner.

2. Limitation of Access

Warranty Deed forms with limitation of access restrict or prohibit altogether direct access to the highway from the Grantor's residual lands.

3. Forms

a. Warranty Deed (WD-1). This is the basic warranty deed form which is used when the entire land of the Grantor is acquired (a "total taking") or when only a portion of the Grantor's land is acquired (a "partial taking") but the acquisition of partial or total access rights is not required.

b. Warranty Deed With Limitation of Access (WL-1). This is used to acquire real property together with the right of access along the entire frontage of the limited access highway facility to or from the residual lands of the grantor.

c. Warranty Deed With Partial Limitation of Access (WL-2). Similar to the WL-1 except that access to or from residual lands is permitted at one or more specific points referenced in the legal description.

d. Limited Warranty Deed (LWD-1). This is used in place of the basic Warranty Deed (WD-1) when the buyer advises that the Grantor will warrant title but only for that period of the Grantor's ownership. (Corporations or partnerships typically request a limited warranty conveyance.) Approval of the Chief of the Land Acquisition Division is required.

G. FEE SIMPLE ACQUISITION - WARRANTY DEED - ACCESS CONTROL LINE

1. General

The following two forms are used when the acquisition is limited to the extinguishment of access rights to and from properties abutting the limited access highway facility. Title (the legal ability to extinguish access rights) is warranted and the Grantor's nonretention of reversionary rights in the event of the future

4. Use

- a. The narrative metes and bounds or reference description is titled "Exhibit A."
- b. The Right-of-Way Parcel Plat is titled "Exhibit B."
- c. Exhibits A and B are attached to permanent acquisition instruments while temporary instruments and release documents require only an Exhibit A.
- d. Exhibits A and B are included in the documents transmitted to staff in the Attorney General's Office for their use in preparing condemnation cases.

F. FEE SIMPLE ACQUISITION - WARRANTY DEED**1. General**

- a. All forms in this section are warranty deeds used to convey fee simple title to the State of Indiana.
- b. Each form contains a specific acknowledgment that the Grantor does not retain any reversionary rights to the property conveyed. This becomes very important in the event of future disposal of the property by the Department or other jurisdictional agency.
- c. Each generally subjects the conveyance to all conditions, restrictions and easements of record.
- d. Each allows maximum use of the area conveyed without further permission of the Grantor.

2. Applications

a. **Permanent Acquisitions**

When the proposed acquisition is of permanent rights, the "description" is comprised of the narrative (metes and bounds or reference) description and the Right-of-Way Parcel Plat, the latter serving both as a graphic depiction of the taking and (together with the previously recorded Location Control Route Survey Plat) as the Rule 12 "Route Survey" mandated by 865 IAC 1-12.

b. **Temporary Acquisitions**

When the proposed acquisition is limited to temporary rights, the "description" is comprised solely of the metes and bounds or reference description; no Right-of-Way Parcel Plat (Exhibit B) is required.

3. Advantages of Attachment Descriptions

- Once the description and the plat have been prepared, they may be attached to virtually any instrument required by the Department for the acquisition of any highway parcel. No time is required to draft or redraft an entire document—the description is simply attached as an exhibit to the deed, mortgage release, land contract release, or any other standard or customized form. The description may also be used in appropriation case pleadings with only minor wording changes.
- In the event that field contact with an owner results in a change in the description or plat, the changes can be made and the new exhibits attached to the originally drafted instrument prior to its execution.
- While description changes based upon the buyer's contacts will continue to be drafted and approved by Right-of-Way Engineering Section staff, the time-consuming process of changing the acquisition forms will be greatly reduced.

- e. Mineral Right Releases by Quit Claim Deed (Part K, below)
- f. General Releases by Quit Claim Deed (Part L, below)
- g. Release Forms (for lease and mortgage releases) (Part M, below)

5. Form Use - Required Approval

The policy of the Department is to take title to permanent rights-of-way in fee by warranty deed. However, the Department has an equally important policy of acquiring rights as expeditiously and as cost-effectively as possible. Where a particular owner agrees to grant fee title, but is not willing to warrant that title, or where an owner is more comfortable conveying rights-of-way by easement rather than deed, it may be in the best interests of the State to accommodate the owner rather than to proceed to court when all other issues have been mutually resolved.

Initially, the permanent conveyance document will be completed on a warranty deed form unless the use of a permanent easement—a legal ditch, for example—is identified by the design process as appropriate. The use of quit claim deeds and/or perpetual easements shall be approved by the Chief of the Division of Land Acquisition prior to the execution thereof by the owner.

E. LEGAL DESCRIPTIONS AS ATTACHMENTS ("EXHIBITS") TO STANDARDIZED FORMS

1. General

Private sector real estate transactions have made increasing use of descriptions which are set forth in attachments ("exhibits") and incorporated by reference into conveyance instruments and other documents. Realtors, lending institutions, title agencies, and attorneys all recognize that preparation of such an attachment allows its easy use on a number of documents (deeds, mortgages, releases, contracts) without repetitive action. Similarly, INDOT real estate transactions use legal descriptions as attachments to conveyance and other instruments.

Standardized forms do not and cannot cover every situation—modified or "custom" forms to cover specific situations will be drafted on an "as-needed" basis by INDOT's Legal Division.

3. Form Preparation

Right-of-way engineering or consulting personnel, based upon their review of such plans, plats, title reports, and other information, select an instrument or instruments appropriate for the acquisition of the rights to be acquired for each parcel. The project, code, parcel, and county, together with the highway designation, are inserted in the appropriate forms selected and Exhibit A (and Exhibit B on permanent acquisitions) is attached.

Preparation of the final documents shall be the responsibility of the Department's attorney and the INDOT buyer after negotiations have been initiated. At the time right-of-way plans are prepared, the identity of the ultimate grantors is subject to change. Property owners of record often change between the time instruments and exhibits are forwarded for appraisal work and the time that negotiations are commenced. The property may have been sold, a trust dissolved, a corporation may have merged or changed its name, or an owner may have passed away or been declared legally incompetent. Thus, it is the buyer's responsibility to make all final recommendations to the attorney who prepares the instrument of record.

4. Form Categories

The standardized forms are grouped in the following categories:

- a. Fee Acquisitions by Warranty Deed (Parts F and G, below)
- b. Fee Acquisitions by Quit Claim Deed (Part N, below)
- c. Nonfee Permanent Acquisitions by Perpetual Highway Easements (Part I, below)
- d. Temporary Acquisitions by Temporary Highway Easement Grants (Part J, below)

residence; and the notary's commission expiration date. The instrument must bear the name of the person who prepared the instrument together with a return address and an address which will be utilized for tax bill purposes.

D. TITLE ACQUIRED ON TRANSPORTATION PROJECTS

1. General

The acquisition of property rights on Department projects falls into two broad categories: permanent rights and temporary rights. When real estate will be required for initial construction and for reconstruction, maintenance and operation of the facility, for which future entry will be required, permanent rights are taken. When entry is required only for the period of initial construction, temporary rights are taken.

The Right-of-Way Engineering Section is responsible for assembling the parcel envelope which includes the initial instrument or instruments by which the State proposes to acquire title. However, revisions and/or changes in the type of title to be acquired do occur; only after the Department's buyer has been able to negotiate with the landowner can a final determination be made.

The initial determination of the type of acquisition instrument to be utilized is based upon a review of all available field data, records of previous acquisitions, Planning Division documents, and title abstract information. The general rule is that any permanent acquisition will be acquired by warranty deed and any temporary acquisition will utilize a temporary easement.

2. Standardized Forms

Standardized, preprinted (or computerized) forms have been developed to cover the majority of acquisition situations likely to be encountered. These standard forms ensure uniformity, help speed the instrument preparation time table and allow maximum flexibility through the use of descriptions which are attached to the conveyance form and incorporated into the form by reference. (See Parts F through M, below.)

be the owner of the real property if C records the deed first even though C's deed was the later in time of the two. B may be able to sue A, but title is vested in C and cannot be disturbed by B. The same general principle may apply to the conveyance of other real estate interests which do not expire within 3 years.

A race-notice state establishes recording statutes to enable a potential purchaser to rely upon publicly available documents to determine whether he or she should purchase the property in question and to determine the existence of any limitations which may restrict the purchaser's intended use thereof. Generally, the buyer has an obligation to independently determine whether the property is encumbered. The buyer has "constructive notice" of the fact that the encumbrance exists because the instrument creating the encumbrance was properly recorded prior to his/her receipt of the deed. The buyer's lack of actual notice is of no legal consequence.

2. Physical Inspections

The buyer is also charged with the responsibility of physically inspecting the premises to ensure that there is no physical evidence of adverse use or claims. Property which is supposedly unoccupied may show evidence of occupancy (e. g., parked cars, lights on, children at play). Also, a physical inspection may disclose a farm drive, fence encroachment, or other evidence of an unrecorded right of a third party about which the seller should be questioned.

3. Minimum Recording Requirements

An instrument purporting to convey fee title or any lesser estate is entitled to be recorded if it meets the basic statutory requirements for recordation in the State of Indiana. The deed or other instrument must contain: the name, marital status, and county of residence of the grantor and the grantee; a description of the real property being sold or encumbered; a "Rule 12" plat (if necessary); the signature of the grantor; a proper notary acknowledgement including the notary's name, county and state of

be put, the width of streets or utility areas within the subdivision, and the like. As noted above, covenants may run with the land forever or may be limited to a certain period of time. It is not uncommon to find subdivision covenants limiting the number of lots which may be improved for a specific number of years, after which time additional construction may occur.

Note: Some covenants may become inoperative as a matter of law. For instance, subdivision covenants forbidding the sale of lots to persons of color or to people of particular religions have long since been declared illegal and unenforceable by the courts, Congress, and the General Assembly. Though they may remain of record, no current owner is subjected to the terms of such covenants; they are void and of no force and effect.

4. Leases

The fee owner of a particular property may retain fee title but alienate his or her right to possess a portion or all of that property. Leasehold and rental agreements are prime examples: a contract is created between the owner and the lessee whereby the lessee is allowed to possess the premises pursuant to the terms and conditions of the lease or rental agreement.

5. Licenses

Licenses may also be created either in writing or verbally which give a personal right to use a particular property in a particular way. The main difference between a leasehold and an interest in a license is that licenses are generally personal and revocable at the option of the person who granted the license.

C. NOTICE BY RECORDATION

1. Race-Notice

Indiana is known as a "race-notice" state. If A sells property to B, it is incumbent upon B to record the deed in the official records of the county where the property is located. If B does not promptly record the deed, and if A subsequently sells the property to C who has no knowledge of the earlier sale to B, C will

a. Easements Appurtenant

These require the creation of two separate estates, namely, a dominant estate and a servient (sometimes called subservient) estate. The dominant estate is the real property which the easement benefits; the servient estate is the real property that is encumbered (burdened) by the easement. An easement appurtenant is generally irrevocable and is seen to permanently benefit and become integral to and part of the dominant estate and is thus said to "run with the land." The holder of the easement (that is, the owner of the dominant estate) may use the area of the easement but such use is limited to the purposes which are expressed in the document creating the easement. The dominant and servient estates generally abut one another. Examples of easements appurtenant are joint driveway easements, private utility line easement (for instance, a water line traversing property A to serve a home on the adjacent property B), easements allowing the discharge of surface water, and easements recognizing the encroachment of a building or fence line.

b. Easements in Gross

The owner of an easement in gross is not considered to be the owner of a "dominant estate" in the sense of that which is created in an easement appurtenant. There is no dominant or servient estate created and the easement, while encumbering the real property, "runs with the person." An easement in gross is generally an irrevocable right to use the land of another for a specific and expressly stated purpose. When doubt exists as to whether an easement is appurtenant or in gross, the courts construe it as an easement appurtenant.

3. Covenants

Covenants are often mistakenly viewed as "easements" but are, in fact, contractual obligations which attach themselves to land as restrictions or conditions. A covenant may or may not create dominant and servient estates and, by its terms, may or may not run with the land forever. Covenants are generally used to create use restrictions upon a particular property. For instance, subdivision covenants may restrict the size or type of dwellings which can be constructed on the property, the use to which the property may

1. Fee Simple (Fee)

Fee simple title (more commonly, "fee title") is the most complete and all-encompassing ownership of real property. The owner of fee title possesses all "twigs" of the proverbial "bundle of rights" which is traditionally associated with the ownership of real property. This bundle includes possession, the ability to convey (alienate) title to another, the ability to will the property to devisees, the right to improve or otherwise alter the property, and so forth.

The owner of fee title as a practical matter usually holds title subject to liens. Real estate taxes, mortgages to secure payment of a loan on the property, state or federal tax liens, judgment liens (judgments obtained against the owner as ordered by civil or criminal courts) and the like are very common.

Fee ownership is often subject to the rights which other parties may have to one or more of the above-mentioned twigs in the bundle of rights. For instance, fee title may be owned subject to the ownership by another entity of subsurface mineral rights or above-surface air rights (that is, the ability to utilize the air space over property above a certain plane or elevation). The owner of land, or a previous owner, may have reserved a life estate in the property, a practice which allows the grantor (or in some cases, the designee of the grantor) to retain possession of the property during his or her life upon such terms and conditions as set forth in the deed establishing the life estate. Upon his or her death, the life estate is extinguished and possession passes in accordance with the terms of the deed. Fee title may also be subject to limiting conditions set forth in revisionary clauses (e.g., fee, but only "for the purpose of construction of a church school" or "in no case, however, shall the property be used for the sale of alcoholic beverages"). In the event of a breach of the promise or covenant by the grantee, title may revert to the grantor, or his or her heirs or assigns.

2. Easements

Fee title can also be subject to easements which are said to "encumber" the property. Easements are classified as easements appurtenant and easements in gross.

A. INTRODUCTION

INDOT's Right-of-Way Engineering Section and its consultants are responsible for aiding the attorney who prepares the instruments by which owners and other interested parties convey their respective interests in real property. These conveyance instruments are used for acquisition by negotiation for highway projects funded wholly or partially by Federal or State funds.

Included at the end of this chapter are standardized forms which cover the majority of acquisition situations which commonly arise. It must be recognized, however, that each parcel of real property is unique and each project undertaken by INDOT is likewise unique. Therefore, those who prepare descriptions and, as a consequence, aid in the preparation of conveyance instruments should not routinely "generalize from the specific" on procedural matters. For example, refusal by one county recorder to accept a particular deed for a specific (real or perceived) deficiency should rarely lead to a blanket change in INDOT's procedures. Similarly, an isolated adverse decision from a single county court should not automatically lead to a change in acquisition procedures on a statewide basis.

It should be noted that the Department's buyer is the person who makes final recommendations as to specific information to be used by the attorney who will prepare the final acquisition instruments.

Finally, in those situations where the person responsible for aiding in the preparation of a particular instrument is not certain how to proceed, he or she should consult with INDOT's Legal Division following procedures established by the Chief of the Division of Land Acquisition.

B. REAL ESTATE INTERESTS

Before describing the actual form of the instruments used by INDOT to acquire interests in real property for transportation projects, a brief review of basic real estate principles is presented.

V. CONVEYANCE

FORM USE CHART				
Form	Text Page	Type	Duration	Use Comments
WD-1	V-11	Fee	Permanent	General, no LA, total or partial takes
WL-1	V-11	Fee	Permanent	Taking full LA
WL-2	V-11	Fee	Permanent	Taking partial LA
LWD-1	V-11	Fee	Permanent	Limited warranty covenants
WL-3	V-12	Fee	Permanent	Full control LA line (no area)
WL-4	V-12	Fee	Permanent	Partial control LA line (no area)
QCD-1	V-13	Fee	Permanent	Quit claim, general, no LA
QCD-2	V-13	Fee	Permanent	Quit claim, taking full LA
QCD-3	V-13	Fee	Permanent	Quit claim, taking partial LA
PHE-1	V-14	Easement	Permanent	General highway easement, no LA
PHE-2	V-14	Easement	Permanent	General highway easement, full LA
PHE-3	V-14	Easement	Permanent	General highway easement, partial LA
PHE-4	V-14	Easement	Permanent	Legal ditch maintenance
T-1	V-15	Easement	Temporary	Drive construction
T-2	V-15	Easement	Temporary	Structure demolition
T-3	V-16	Easement	Temporary	General use
MQCD-1	V-16	Mineral release	Permanent	All mineral rights taken
MQCD-2	V-16	Mineral release	Permanent	All mineral rights taken, full LA
MQCD-3	V-17	Mineral release	Permanent	All mineral rights taken, partial LA
MQCD-4	V-17	Mineral release	Permanent	Surface rights taken, no LA
MQCD-5	V-17	Mineral release	Permanent	Surface rights taken, full LA
MQCD-6	V-17	Mineral release	Permanent	Surface rights taken, partial LA
RQCD	V-17	Release	Permanent	General release document
RD-1	V-17	Release	Permanent	Mortgage or lien release

NOTES ON:

- **REVISIONS AND ADDITIONS**

SOME OF THE REVISIONS AND ADDITIONS TO THE R/W ENGINEERING MANUAL
FROM OVER THE PAST FEW YEARS.

SOME OF THE REVISIONS OR ADDITIONS MAY NOT APPLY TODAY, DEPENDING
ON THE PROCESS YOU HAVE SET UP.

INCLUDED ARE THE REVISED TEMPORARY R/W EASEMENT FORMS AND THE
REDACT STATEMENT, WHICH SHOULD BE ADDED TO THE FORM.

Existing R/W Report and meeting

LCRS and R/W plan Report

Abstracting Report

Mile Stone completion

R/W Parcel plats

R/W plans

Descriptions

Current deed forms

Special interest

LA R/W

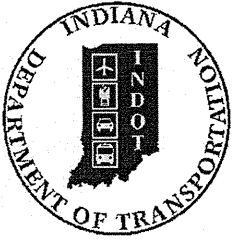
Communication --with INDOT---With design consultant

Parcel review

Revisions

Billing

REVISIONS AND ADDITIONS



Indiana Department of Transportation

Land Acquisition Division

100 North Senate Avenue, Room N955

Indianapolis, Indiana 46204-2219

FAX: (317) 233-3055- Writer's Direct Phone (317) 232-5018

E-mail address RRaney@INDOT.state.in.us

Thursday, June 28, 2001

MEMORANDUM

TO: ALL R/W CONSULTANTS

**FROM: RON RANEY, MANAGER
R/W ENGINEERING SECTION
DIVISION OF LAND ACQUISITION**

RE: PARCELS SUBMITTED TO THE ENGINEERING SECTION

ALL PARCEL PACKETS SUBMITTED ON PROJECTS THAT ARE NOT COMPLETE, MUST HAVE A COPY OF THE PLAN SHEET THAT PERTAINS TO THE PARCEL IN QUESTION IN THE LARGE ENVELOPE STAMPED AS FOLLOWS:

**"PACKET PLAN SHEET FOR
CODE _____ PARCEL _____
DATE _____"**

THE PLAN SHEET MUST REMAIN WITH THE PACKET UNTIL THE PARCEL IS SENT TO RECORDS FOR RECORDING.

IF THE PROJECT IS COMPLETE AND R/W PLANS ARE SUBMITTED WHEN THE PARCELS ARE SUBMITTED THE PLAN SHEET MAY BE OMITTED.

THIS CHANGE IS IN EFFECT IMMEDIATELY.

**CC: RECORDS
APPRAISING
BUYING**

AREA COMPUTATIONS

Code:

Project

Parcel

et 1 of 1

By:

Date:

Chk'd.By:

Date:

TITLE AREAS

EXCEPTIONS

_____ = _____
 _____ = _____
 _____ = _____
 _____ = _____
 _____ = _____
 _____ = _____
 SUBTOTALS AREAS = _____
 LESS TOTAL EXCEPTIONS = _____
 TOTAL AREA = _____

TOTAL EXCEPTIONS = _____

EXISTING R/W -- CALCULATIONS

TOTAL R/W EXISTING = _____

PARCEL FEE SIMPLE AREAS

F.S.= _____

PARCEL EXCESS LAND AREAS

E.L.= _____

F.S.+E.L.=TOTAL F.S.= _____

PARCEL PERM. ESM'T AREAS

TOTAL P.E.= _____

PARCEL TEMP. R/W AREAS

TOTAL AREA = _____

R/W EXISTING = _____

NET TOTAL AREA = _____

TOTAL F.S. AREA = _____

TOTAL RESIDUE AREA = _____

RESIDUE "A" = _____

RESIDUE "B" = _____

RESIDUE "C" = _____

RESIDUE "D" = _____

RESIDUE "E" = _____

PARCEL QUALITY RATING

CODE _____

PARCEL _____ NEW _____ REVISED _____

CONSULTANT _____

REVIEWER _____

1. WERE ALL REQUIRED INDOT FORMS FILLED OUT CORRECTLY? _____
2. WERE ALL REQUIRED TRANSFER DOCUMENTS PREPARED? _____
3. WAS ALL INTERESTS REPORTED IN THE TITLE REPORTED DOCUMENTED? _____
4. WAS THE PARCEL PREPARED FOR APPRAISING? _____
5. WERE THE R/W PLANS COMPLETED _____
6. WAS THERE DOCUMENTATION OF THE EXISTING R/W IN THE PARCEL? _____
7. WAS THE PARCEL A LOT ON AN SUBDIVISION? _____
8. DID THE PARCEL TAKING REQUIRE MORE THAN 5 DESCRIPTIONS? _____

RATE THE OVERALL PREPARATION OF THE PARCEL.

1 = ABOVE AVERAGE _____

2 = AVERAGE _____

3 = BELOW AVERAGE _____

INSTRUCTIONS: QUESTIONS 1 TO 8 ARE YES OR NO, 1 = YES ---0 = NO

THE OVERALL RATING CHECK ONLY ONE

PARCEL QUALITY RATING

CODE _____

PARCEL _____ NEW _____ REVISED _____

CONSULTANT _____

REVIEWER _____

1. WERE ALL REQUIRED INDOT FORMS FILLED OUT CORRECTLY? _____
2. WERE ALL REQUIRED TRANSFER DOCUMENTS PREPARED? _____
3. WAS ALL INTERESTS REPORTED IN THE TITLE REPORTED DOCUMENTED? _____
4. WAS THE PARCEL PREPARED FOR APPRAISING? _____
5. WERE THE R/W PLANS COMPLETED _____
6. WAS THERE DOCUMENTATION OF THE EXISTING R/W IN THE PARCEL? _____
7. WAS THE PARCEL A LOT ON AN SUBDIVISION? _____
8. DID THE PARCEL TAKING REQUIRE MORE THAN 5 DESCRIPTIONS? _____

RATE THE OVERALL PREPARATION OF THE PARCEL.

1 = ABOVE AVERAGE _____

2 = AVERAGE _____

3 = BELOW AVERAGE _____

INSTRUCTIONS: QUESTIONS 1 TO 8 ARE YES OR NO, 1 = YES ---0 = NO

THE OVERALL RATING CHECK ONLY ONE

R/W ENGINEERING CONSULTANT QUALITY ASSURANCE FORM FOR
CODE: _____ PARCEL: _____

CHECK CONTENTS OF THE LARGE ENVELOPE

- (A) T & E REPORT
- (B) L-10 TRANSFER INSTRUMENTS WITH DESCRIPTIONS AND MEMO TO APPRAISERS OR BUYERS IF NECESSARY.

2. CHECK CONTENTS OF SMALL ENVELOPE

- (A) PARCEL DOCUMENTATION, INCLUDING EXISTING R/W FOR EACH PARCEL.
- (B) COGO PRINT OUT WITH AREAS
- (C) COPIES OF TRANSFER INSTRUMENTS
- (C) ORIGINAL L-10's
- (D) IS THERE A COPY OF A PLOT OF OWNERS DESCRIPTIONS (SHOWING CLOSURE) WHERE FEE TAKING OR TEMPORARY R/W IS BEING ACQUIRED (DEED PLOTTER)

3. CHECK DESCRIPTION. DOES IT CLOSE?

- (A) IS THE AREA CORRECT?
- (B) DOES THE DESCRIPTION CONTAIN QUALIFYING CALLS?
- (C) DISTANCES AND AREAS IN BOTH ENGLISH AND METRIC UNITS?
- (D) DOES THE DESCRIPTION CALL FOR POINT NUMBER ON THE R/W PARCEL PLAT?
- (E) DOES THE DESCRIPTION CONTAIN THE R.E.R. (P.E.R) STATEMENT IF NEEDED?
- (F) IS THE CAPTION CORRECT? SECTION, TOWNSHIP, AND RANGE, QUARTER SECTION.
- (G) WAS THE CORRECT TRANSFER INSTRUMENT USED?

4. CHECK AREAS ON L-1 0.

- (A) DOES THE AREA MATCH THE AREA ON THE DEED?
- (E) IS THE NATURE OF TITLE CORRECT? (FS OR TE)

CHECK THE R/W PARCEL PLAT. (EXHIBIT "B")

- (A) IS THE OWNERS NAME CORRECT?
- (B) IS THE DEED RECORD AND PAGE CORRECT?
- (C) DO THE STATION AND OFFSETS AND THE COORDINATE VALUES MATCH THE COGO PRINT OUT?
- (D) HAS THE PLAT BEEN SIGNED AND SEALED BY AN INDIANA LAND SURVEYOR?
- (E) CAN THE OWNERS DEED BE LOCATED (PARTIALLY TRACED) ON THE PLAT?
- (F) DOES THE PLAT SHOW AT LEAST THE SECTION CORNER, QUARTER SECTION CORNER, QUARTER-QUARTER SECTION CORNER, OR NAME OF SUBDIVISION WITH PLAT BOOK AND PAGE?

6. CHECK THE PLANS.

- (A) IS THE OWNERS NAME CORRECT?
- (B) ARE THE PARCEL NUMBERS ON THE PLANS, PLAN & PROFILE & PLAT NO. 1 OR DETAIL SHEETS?
- (C) ARE THE PROPERTY LINES LOCATED WITH AT LEAST TWO POINTS (PLUS & OFFSET, RANGE PLUS, ANGLE) AND DELINEATED?
- (D) ARE THE LOTS AND SUBDIVISION NAME SHOWN IF NECESSARY?
- (E) IS THE R/W CODE NUMBER ON EACH SHEET?
- (F) EASEMENTS AND EASEMENT NOTES PERTAINING TO THE PARCEL, ARE THEY ON THE PLANS?

I, the undersigned Registered Land Surveyor for _____ certify the above items have been reviewed and are correct:

STAKING REQUEST

PROJECT: STP-018-1 (007) DATE: 2-27-06
LA CODE: 4347
COUNTY Gibson
PARCELS: 4,5,6,7 ENTIRE PROJECT:

REQUESTED BY: Real Estate / Appraisal Clayton L. Roots
SECTION/UNIT REQUESTER

SPECIAL INSTRUCTIONS:
Per Phil Anderson, please begin staking around 3-31 – 4-15-06

REASON FOR STAKING REQUEST: Fee Appraisals

***REQUEST MUST BE INITIALED BY MANAGER/SUPERVISOR**

CONSULTANT: _____
DATE REQUESTED: _____
DATE DUE: _____
DATE COMPLETED: _____

Rev. Form T-3
4/23/02

**TEMPORARY HIGHWAY EASEMENT GRANT
(GENERAL)**

Project: STP-3670 (014)
Code: 4210
Parcel: 79A
Page: ____ of ____

THIS INDENTURE WITNESSETH, That _____

the Grantor(s), of _____ County, State of _____ Grant(s) to the
STATE OF INDIANA, the Grantee, for and in consideration of the sum of _____

_____ Dollars and NO/100
(\$ _____) (of which said sum \$ _____ represents land
improvements acquired and \$ _____ represents land temporarily encumbered and
damages) and other valuable consideration, the receipt of which is hereby acknowledged, a temporary
easement to enter upon and have possession of the Real Estate of the Grantor(s) for the purpose of
TEMPORARY RIGHT OF WAY FOR WORKING ROOM ONLY, which said work is incidental to the construction
of the highway facility known as **I-465** and as Project **STI-456-4 (261)**, which said Real Estate situated in the County of
MARION, State of Indiana, and which is more particularly described in the legal description(s) attached hereto as Exhibit
"A" which is incorporated herein by reference, which said temporary easement shall be extinguished, become void and
revert to the Grantor(s) and/or the Grantor(s) successor(s) in title upon completion of the said Project. The said
extinguishment shall be evidenced by a release document which shall be executed and recorded by the Grantee at no cost to
the Grantor(s).

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue
Indianapolis, IN 46204-2219
I.C. 8-23-7-31

This Instrument Prepared By

Attorney at Law

Right of Way Staking Instructions for INDOT Consultants

1. All major R/W break points that fall outside of pavement shall be set with a 5/8 by 24" re-bar with a plastic cap at least 2³/₄" in diameter. The cap can be a Berntsen M43F-MORASSE 2³/₄" diameter plastic cap or other of comparable quality.
All major R/W break points falling in a paved area shall be set with a steel nail marker 3" in length and 11/32" diameter with a survey washer 1-9/16" in diameter and 3/32" thickness stamped with the surveyors ID number. The Berntsen SNM1 steel nail marker and the Berntsen AT1 survey washer or other comparable quality shall be used.
2. All property line and property line intersections (PL, PL) or property line and right of way intersections (PL, R/W), shall be set using a Mag-Nail set under a wooden hub of at least 12" in length protruding about 4" if the location is in dirt and 1-1/2" if set in a lawn area. The placement of the Mag-Nail under the hub is in order to facilitate the recovery of the location if the hub is inadvertently destroyed or removed.
3. All points set shall be marked with a lath with ribbon and the station and offset written on the lath.
4. Temporary R/W break points shall be set using hub with nail as stated in item two above, a Mag-Nail shall be set if the temporary R/W break point falls in a paved area, all points set shall be marked with station and offset.
5. A R/W Staking report is required. The report shall state which original survey control monuments were used, and the method and procedure for coordinate stake out. If GPS is used, the basis of calibration between WGS84 and the grid coordinates shall be stated. The report shall also state the difference between the computed coordinate from the description and the "as staked" coordinate of the monument set. In any case, State Plane Coordinates should only be used as a reference and never used for ground point stake-out.
6. All private signs shall be located and shown in the sign inventory. The sign permit identification number shall be included with the sign location, if no number sign permit identification is found on sign so note. If the sign is not shown on the R/W plans, the R/W plans shall be revised to show the sign or signs.
7. All new topo (drives, buildings, curbs, sidewalks etc.) shall be located and added to the R/W Plans and a copy of R/W Plans sent to the designer.
8. All encroachments into existing R/W shall be located and added to the R/W Plans as necessary.
9. The R/W staking report shall be completed and returned to the District Real Estate Office.

Project: STI-465-4 (261)

Code: 2628

Parcel: 10

Page: ____ of

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the State of Indiana except: _____

The said Grantor(s) acknowledge(s) that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the said Grantor(s), for the purpose of inducing the State of Indiana to accept this grant and to pay the hereinbefore referenced consideration, represent(s) that the Grantor(s) _____ the owner(s) in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens of any kind or character which would be inconsistent with the temporary rights granted herein.

Page: _____ of _____

IN WITNESS WHEREOF, the said Grantor(s) ha_____ executed this instrument this _____ day of _____

_____(Seal) _____(Seal)
Signature Signature

Printed Name _____ Printed Name _____

_____(Seal) _____(Seal)
Signature Signature

Printed Name _____ Printed Name _____

STATE OF _____: SS:

COUNTY OF _____:

Before me, a Notary Public in and for said State and County, personally appeared_____

the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be _____ voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature

Printed Name _____

My Commission expires _____

I am a resident of _____ County.

Rev. Form T-2
4/23/02

**TEMPORARY HIGHWAY EASEMENT GRANT
(FOR DEMOLITION OF STRUCTURE(S))**

Project:
Code:
Parcel:
Page: ____ of

THIS INDENTURE WITNESSETH, That

the Grantor(s), of _____ County, State of _____ Grant(s) to the
STATE OF INDIANA, the Grantee, for and in consideration of the sum of
_____ Dollars and NO/100 (\$ _____)
(of which said sum \$ _____ represents land improvements acquired and
\$ _____ represents land temporarily encumbered and damages) and other valuable
consideration, the receipt of which is hereby acknowledged, a temporary easement to enter upon and have
possession of the Real Estate of the Grantor(s) for the purpose of demolishing and removing structure(s) located
thereupon, which said work is incidental to the construction of the highway facility known as _____
and as Project _____, which said Real Estate situated in the County of _____, State of
Indiana, and which is more particularly described in the legal description(s) attached hereto as Exhibit "A" which is
incorporated herein by reference, which temporary easement will revert back to the Grantor(s) and/or the Grantor(s)
successor(s) in title upon completion of the removal of said structure(s) and the legal release of this temporary easement in
the Office of the Recorder of aforesaid county.

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue
Indianapolis, IN 46204-2219
I.C. 8-23-7-31

This Instrument Prepared By

Attorney at Law

Project:
Code:
Parcel:
Page: ____ of

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the State of Indiana except:

The said Grantor(s) acknowledge(s) that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the said Grantor(s), for the purpose of inducing the State of Indiana to accept this grant and to pay the hereinbefore referenced consideration, represent(s) that the Grantor(s) _____ the owner(s) in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens (except current real estate taxes and assessments) of any kind or character which would be inconsistent with the temporary rights granted herein.

Rev. Form T-1
4/23/02

**TEMPORARY HIGHWAY EASEMENT GRANT
(FOR CONSTRUCTION OF A DRIVEWAY)**

Project:
Code:
Parcel:
Page: ____ of

THIS INDENTURE WITNESSETH, That

the Grantor(s), of _____ County, State of _____ Grant(s) to the
STATE OF INDIANA, the Grantee, for and in consideration of

_____ Dollars and NO/100 (\$ _____)
**(of which said sum \$ _____ represents land improvements acquired
and \$ _____ represents land temporarily encumbered and damages)** and
other valuable consideration, the receipt of which is hereby acknowledged, a temporary easement to enter
upon and have possession of the Real Estate of the Grantor(s) for the purpose of constructing thereupon a driveway
servicing to the Grantor(s) property to and from the highway facility known as _____ and as Project
which said Real Estate situated in the County of _____, State of Indiana, and which is more particularly described in the
legal description(s) attached hereto as Exhibit "A" which is incorporated herein by reference, which said temporary
easement shall be extinguished, become void and revert to the Grantor(s) and/or the Grantor(s) successor(s) in title upon
completion of the said Project. Said extinguishment shall be evidenced by a release document, which shall be executed and
recorded by the Grantee, at no cost to the Grantor(s).

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue
Indianapolis, IN 46204-2219
I.C. 8-23-7-31

This Instrument Prepared By

Attorney at Law

Page: _____ of _____

IN WITNESS WHEREOF, the said Grantor(s) ha_____executed this instrument this _____ day of _____

_____(Seal)
Signature

Printed Name

_____(Seal)
Signature

Printed Name

STATE OF _____:

SS:

COUNTY OF _____:

Before me, a Notary Public in and for said State and County, personally appeared

_____, the Grantor(s)
in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be
voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature

Printed Name

My Commission expires _____.

I am a resident of _____ County.

Project:
Code:
Parcel:
Page: ____ of

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the State of Indiana except:

The said Grantor(s) acknowledge(s) that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the said Grantor(s), for the purpose of inducing the State of Indiana to accept this grant and to pay the hereinbefore referenced consideration, represent(s) that the Grantor(s) _____ the owner(s) in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens (except current real estate taxes and assessments) of any kind or character which would be inconsistent with the temporary rights granted herein.

Project:
Code:
Parcel:
Page: ____ of

IN WITNESS WHEREOF, the said Grantor(s) ha_____ executed this instrument this _____ day
of _____.

_____(Seal) _____(Seal)
Signature Signature

Printed Name Printed Name

_____(Seal) _____(Seal)
Signature Signature

Printed Name Printed Name

STATE OF _____:

SS:

COUNTY OF _____:

Before me, a Notary Public in and for said State and County, personally appeared

_____, the Grantor(s)
in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be
voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this _____ day of _____.

Signature

Printed Name

My Commission expires _____.

I am a resident of _____ County.

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (name _____).".

INSTRUMENTS

APPENDIX

**APPENDIX
GLOSSARY - DEFINITIONS**

Aliquot Part - A part of a surveyed distance or area that divides the distance or area without remainder. Also, a regular division or numbered fractional lot of a section or a numbered lot or group of lots on a recorded subdivision plat. Sources: *Definitions of Surveying and Associated Terms*, Joint Committee of American Congress on Surveying and Mapping and American Society of Civil Engineers (1978); and 1975 *INDOT Manual*.

Apparent Property Line (App. PL) - The estimated location of a property line based upon a review of the last deed of record and the existence of physical evidence available such as hedgerows, or fencerows, building foundations, etc.

Apparent Right-of-Way Line (App. Existing R/W) - The estimated location of the existing right-of-way line based upon plans or surveys used as background data for the Location Control Route Survey; may also be determined by the Records Unit of the Land Acquisition Division.

Condemnation - Initiated by the filing of an eminent domain ("condemnation") suit, the process of acquiring private property for a public purpose against the will of the owner of the property but only after the acquiring entity has paid the owner just compensation as the same is determined by a judge or jury.

Covenants - Enforceable agreements, usually written, by two or more parties whereby certain actions relating to the use of particularly described real property are promised or pledged.

Easement - A right which one has to use, possess, or otherwise control the particularly described real property of another for specific purposes, which right encumbers such real property to the advantage of another person or property.

Easements Appurtenant - An easement over, under, and/or through particularly described real property for the use, benefit, control, and advantage of adjacent or nearby real property, examples of which include driveway, ingress and egress, building encroachment, and private water line or drainage easements.

Easements in Gross - An easement over, under, and/or through particularly identified real property for the use, benefit, control, and advantage of a specific person or entity (as opposed to adjacent or nearby real property), examples of which include easements for public streets, utility lines, storm or sanitary sewers, and the maintenance of historic building facades.

Excess Land - Real property which has been identified as an uneconomic remnant and is not required for right-of-way purposes.

Existing Right-of-Way Line - The established right-of-way line on both sides of centerline, as depicted upon right-of-way documents and construction plans, and verified by the Right-of-Way Engineering Section.

Fee Simple Title - The highest level and quality of real property ownership, the owner of such title having all right, title, interest and possession thereof (e.g., the entire "bundle of rights") subject only to governmental levies and controls (taxes, zoning, etc.) and to any rights created in, or granted to, others by the fee simple owner or his or her predecessors in title (e.g., easements, mortgages, leases, covenants).

Form L-10 - Parcel listing code sheets used to enter information into the Land Acquisition Division database. Forms include a Master Sheet (for the first taking numbered for a property) and a Secondary Sheet (for subsequent takings numbered for a property).

Inverse Condemnation - Initiated by the filing of a suit by a property owner, the process of obtaining a judicial determination that an agency or entity possessing the power of eminent domain has taken title and/or possession of the owner's real property without first paying just compensation.

Land Contract - Formerly known as a "Contract Sale of Real Estate," a Land Contract is an owner-financing devise whereby the seller (vendor) retains title to the real property and the buyer (vendee) has possession, makes payments, and, upon complete payment, receives a deed from the vendor. (Note: in the more typical mortgage transaction, the buyer receives a deed from the seller who receives the full purchase price at closing; the buyer gives a mortgage to the lending institution to secure the buyer's loan.)

Landlocked Property - A residual area, remaining after acquisition, which cannot be legally accessed by its owner.

Land Unit - Any whole property held in common ownership composed of a single tract of land. The land unit may have been created by several purchases or by two or more legal descriptions in the same or different conveyances. The land unit may lie in more than one section or subdivision or may be divided by a mortgage line. Noncontiguous lots, farms, or other tracts which constitute separate and nonadjacent parts of property held in common ownership constitute separate land units. Lands on opposite sides of an existing public way or on opposite sides of a county line are treated as separate land units. Source: 1975 *INDOT Manual*.

Life Estate - The owner of a life estate (the "tenant for life") enjoys the possession, use, and control of particularly identified real property but only for his or her lifetime. Upon the death of the tenant for life, title is vested in the specific person or persons (or their heirs) as "remanent" provided in the instrument which established the life estate.

Limitation of Access - Limiting, in total or in part, the right which an owner or occupant of real property abutting an existing or newly constructed public street or highway the direct access to said street or highway.

Location Control Route Survey Plat - A surveyor's plat which shows the centerline of the proposed improvement referenced to its geographic and boundary-related location; it does not depict right-of-way lines for the new taking.

No Evidence of Property Line (NE PL) - A notation on a location survey or plat placed where a property line is expected to exist but where no evidence or documentation can be found to confirm the location of the said property line.

Parcel - A portion or all of a land unit which the State has acquired or proposes to acquire for a fee simple or lessor interest for a particular highway project. A parcel can be a permanent and/or a temporary acquisition. While normally involving acquisition of land area, a parcel can also involve acquisition of an abutting owner's access rights where no land area is acquired.

Parcel Envelope - A folder or envelope developed by the Right-of-Way Engineering Section to store project-specific documents for each parcel to be acquired for right-of-way purposes.

Large Envelope (White) - Provides Appraisal Section documentation of individual parcel details to be used in estimating fair market value.

Small Envelope (Engineering) - Used by Right-of-Way Engineering Section, it contains the formal record of documents prepared for each individual parcel during the Right-of-Way Engineering process.

Parcel Number - A number assigned to a parcel from which an acquisition is planned. Consists of a basic number (1, 2, 3, 4, etc.) and a letter suffix (A, B, C, D, etc.). All land units under one ownership from which a taking is required are given the same basic number. Letter suffixes will vary.

Perpetual Highway Easement - An easement allowing government to perpetually use privately owned real property for highway and related purposes; at such time as the highway use is no longer required, the easement is extinguished and the fee owner resumes possession of the area.

Platted Land - Land which has been surveyed and divided into lots which are numbered on a recorded land plat or subdivision plat.

Point of Curvature (P. C.) - The point where straight alignment ends and circular alignment begins.

Point of Tangency (P. T.) - The point where circular alignment ends and straight alignment begins.

Possessory Rights - The right of one party to have possession of a portion or all of the real property of another, which right is most often created by a lease, license, rental agreement, easement, or similar agreement.

P. R. Line - A Paper Relocation Line is a line established by a designer for a new line that is different from the survey line. It is referenced to the survey line but is a mathematical relocation. It is usually the centerline for a highway project.

Plat No. 1 - A plan drawing of a highway project which shows project centerline, existing right-of-way lines, right-of-way to be acquired, and all properties affected by the project. Its main purpose is to show overall right-of-way requirements of the project and the relationship between proposed right-of-way and each property ownership.

Quitclaim Deed - A conveyance instrument by which one owner conveys any interest which he or she may have in particularly identified real property without making any guarantee (warranty) as to the quality of the ownership interest conveyed.

Right-of-Way (Highway) - The area within which a highway and its appurtenant facilities may be constructed, reconstructed, operated, and maintained.

Right-of-Way Acquisition - The process of acquiring right-of-way for a project; includes right-of-way engineering, abstracting, appraisal, buying, relocation, and property management.

Right-of-Way Parcel Plat (formerly Right-of-Way Route Survey Plat) - An individual plat prepared for each acquisition parcel which shows project right-of-way lines and location of existing property lines affected by the right-of-way. It ties into the Location Control Route Survey Plat, comprises part of the Route Survey Plat, and serves as a graphic description and exhibit in conjunction with the narrative legal description.

Route Survey Plat - A plat required by 865 IAC 1-12 (Rule 12) and recorded either in two parts as a Two-Step Route Survey Plat (a Location Control Route Survey Plat and a Right-of-Way Parcel Plat) or in one part as a Single Route Survey Plat.

Rule 12 - See Title 865 IAC 1-12.

S-Line - A Survey Line is the line chosen by the surveyor as a base line for a specific survey. It can be a section line, centerline of an existing facility, or a random reference line. A survey may contain more than one S-Line. S-Lines are referenced to known reference points.

Single Route Survey Plat - A plat required by 865 IAC 1-12 (Rule 12) which includes the survey line, centerline, right-of-way information, monuments, and property lines. Normally used for smaller projects where changes in alignment are unlikely to occur during acquisition of any required right-of-way.

Station Equation - The identity of a point on a defined alignment in terms of two specific and different station numbers. One station number is based on measurement from the back direction and the other is measured in the ahead direction.

Temporary Highway Easement Grant - A formal recordable easement taken by or granted to a public agency for the temporary use of particularly described real property for specific construction purposes. Upon completion of the construction phase of the highway project, the easement is extinguished.

Title 865 IAC 1-12 - A rule adopted by the Indiana State Board of Registration for Land Surveyors which establishes minimum standards for the competent practice of land surveying.

Two-Step Route Survey Plat - A Route Survey Plat consisting of two parts, namely, a general Location Control Route Survey Plat and a Right-of-Way Parcel Plat prepared for each acquisition parcel.

Unity of Title - A situation where two or more adjacent parcels of real property share common ownership but may or may not share a common use or utilization.

Unity of Use - A situation where two or more adjacent parcels of real property share a common use or utilization but may or may not share common ownership.

Unplatted Land - Land not situated within a platted subdivision.

Warranty Deed - The most commonly used conveyance instrument, the seller (grantor) conveys fee simple title to the buyer (grantee) and warrants and promises the grantee that if title is later challenged as being defective during the grantor's ownership or before, the grantor will defend the grantee against the claims of adverse parties.